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BILL 112

Government Bill

Publications

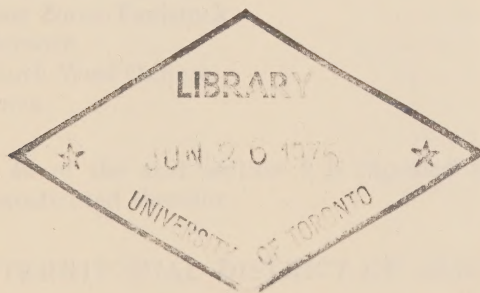
5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

105

Ontario. Legislative Assembly

An Act to amend The Territorial Division Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

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EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendment reflects the restructuring of the County of Oxford brought about by *The County of Oxford Act, 1974*.

Subsections 2, 3 and 4. The effect of these amendments is to name some 358 geographic townships in the territorial districts of Algoma, Sudbury and Thunder Bay; these townships are presently designated by numbers or letters only.

An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 27 of section 1 of *The Territorial Division Act*, ^{s. 1, par. 27, re-enacted} being chapter 458 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

27.—THE COUNTY OF OXFORD

Oxford

consists of,

- (a) the City of Woodstock;
- (b) the towns of Ingersoll and Tillsonburg;
- (c) the townships of,

Blandford-Blenheim,
East Zorra-Tavistock,
Norwich,
South-West Oxford,
Zorra.

- (2) Paragraph 44 of the said section 1 is repealed and the ^{s. 1, par. 44, re-enacted} following substituted therefor:

44.—THE TERRITORIAL DISTRICT OF ALGOMA

Algoma

consists of,

- (a) the City of Sault Ste. Marie;
- (b) the towns of Blind River, Bruce Mines, Thessalon;
- (c) the villages of Hilton Beach, Iron Bridge;

(d) the geographic townships of,

A,	Bouck,	Cross,
Abbott,	Bourinot,	Cudney,
Aberdeen,	Bracci,	Curtis,
Aberdeen	Bray,	Cuthbertson,
Additional,	Breckenridge,	
Abigo,	Bridgland,	D,
Abotossaway,	Bright,	Dablon,
Abraham,	Bright Additional,	Dagle,
Acton,	Brimacombe,	Dahl,
Aguonie,	Broome,	Dambrossio,
Alanen,	Broughton,	Daumont,
Alarie,	Brûlé,	Davieaux,
Albanel,	Bruyere,	Davin,
Alderson,	Buchan,	Day,
Allenby,	Buckles,	Deagle,
Allouiz,	Bullock,	Debassige,
Amik,	Butcher,	Del Villano,
Amundsen,	Byng,	Dennis,
Anderson,		Deroche,
André,	C,	Derry,
Archibald,	Cadeau,	Desbiens,
Arnott,	Cannard,	Doherty,
Ashley,	Carmody,	Dolson,
Assad,	Carney,	Doucett,
Assef,	Casson,	Downer,
Asselin,	Chabanel,	Dowsley,
Atkinson,	Challener,	Drew,
Avis,	Champlain,	Dulhut,
Awenge,	Chapais,	Dumas,
Aweres,	Charbonneau,	Duncan,
	Chelsea,	Dunphy,
B,	Chenard,	
Bailloquet,	Chesley,	E,
Barager,	Chesley	Eaket,
Barnes,	Additional,	Ebbs,
Bayfield,	Cholette,	Echum,
Beange,	Clouston,	Elgie,
Beaton,	Cobden,	Emiry,
Beaudin,	Coderre,	Ericson,
Beaudry,	Common,	Ermine,
Beauparlant,	Concobar,	Esquega,
Beebe,	Conking,	Esten,
Behmann,	Cooper,	Ewen,
Bernst,	Copenace,	
Bird,	Corbiere,	F,
Bolger,	Corboy,	Fabbro,
Boon,	Cowie,	Farquhar,
Bostwick,	Cromlech,	Fenwick,

Ferrier,
Fiddler,
Finan,
Fisher,
Flanders,
Foch,
Fontaine,
Foucault,
Foulds,
Frances,
Franchere
Franz,
Frost,

G,
Gaiashk,
Galbraith,
Gapp,
Gaudette,
Gaudry,
Gaunt,
Gerow,
Gervais,
Gilbertson,
Giles,
Gillmor,
Gisborn,
Gladstone,
Glasgow,
Goodwillie,
Gould,
Gourlay,
Grasett,
Greenwood,
Grenoble,
Groofenboer,
Groseilliers,
Grossman,
Grzela,
Guindon,
Gunterman,

H,
Hadley,
Haig,
Hallett,
Hambleton,
Handleman,
Haughton,
Havilland,

Havrot,
Hawkins,
Hayward,
Hembruff,
Herrick,
Hiawatha,
Hilton,
Hodgins,
Hoffman,
Home,
Hook,
Hotte,
Hughes,
Hughson,
Hunt,
Huotari,
Hurlburt,
Hynes,

I,
Irving,
Isaac,

J,
Jackson,
Jacobson,
Jarvis,
Jessiman,
Jocelyn,
Jogues,
Johns,
Johnson,
Jollineau,
Joubin,
Juillette,

K,
Kamichisitit,
Kane,
Kapusking,
Kars,
Keating,
Keating
Additional,
Keesickquayash,
Kehoe,
Kildare,
Killins,
Kincaid,
Kirkwell,

Kirkwood,
Knically,
Korah,

L,
Labelle,
Labonte,
Laforme,
Laird,
Lalibert,
Lamming,
Landriault,
Lane,
Larkin,
LaRonde,
Larson,
Lascelles,
Lastheels,
Laughren,
La Verendrye,
Lawlor,
Le Caron,
Leclaire,
Lefebure,
Lefroy,
Legarde,
Legarde
Additional,
Legge,
Leguerrier,
Lehman,
Leluk,
Lendrum,
Lerwick,
Lessard,
Levesque,
Lewis,
Ley,
Lipton,
Lizar,
Loach,
Lockeyer,
Long,
Lougheed,
Lunkie,

M,
Macaskill,
Macdonald,
Mack,

Maeck,	Nebotik,	Raimbault,
Magone,	Newlands,	Recollet,
Makawa,	Nicholas,	Redden,
Mandamin,	Nicolet,	Redsky,
Maness,	Noganosh,	Reilly,
Marjorie,	Norberg,	Renwick,
Marne,	Nouvel,	Restoule,
Martel,	Nuttall,	Riggs,
Martin,		Rioux,
Matthews,	O,	Rix,
Maude,	Odlum,	Roche,
McAughey,	Olinyk,	Rollins,
McDowell,	Olsen,	Root,
McEwing,	Opasatika,	Rose,
McFarlan,	Oscar,	Rowat,
McGiverin,	Oshell,	Roy,
McGowan,	Otter,	Royal,
McIlveen,		Runnalls,
McKeough,	P,	Running,
McMahon,	Palmer,	Ruston,
McMurray,	Parke,	Ryan,
McNie,	Parkinson,	
McParkland,	Parrott,	S,
Meath,	Patton,	Sagard,
Meen,	Pawis,	St. Germain,
Memaskwosh,	Pearkes,	St. Joseph,
Menard,	Peever,	St. Julien,
Menzies,	Pelletier,	Sampson,
Mercer,	Pennefather,	Saunders,
Meredith,	Peterson,	Sayer,
Michano,	Piche,	Scarfe,
Mildred,	Pine,	Scholfield,
Minnipuka,	Plourde,	Scrivener,
Miskokomon,	Plummer,	Shanly,
Monestime,	Plummer	Shawkence,
Mons,	Additional,	Shedden,
Montgomery,	Poncet,	Shields,
Moorehouse,	Poulin,	Shingwaukonce,
Morin,	Prescott,	Shulman,
Morningstar,	Prince,	Simons,
Mosambik,	Proctor,	Simpson,
Musquash,	Puskuta,	Slater,
		Slievert,
N,	Q,	Smilsky,
Nadjiwon,	Quill,	Snow,
Nagagami,		Spragge,
Nahwegezhic,	R,	Stefansson,
Nameigos,	Raaflaub,	Stone,
Naveau,	Rabazo,	Stoney,
Nebonaionquet,	Radisson,	Strain,

Strickland,	Timbrell,	Wardle,
Striker,	Timmermans,	Warpula,
Sturgeon,	Tolmonen,	Waswa,
Suganaqueb,	Tronsen,	Wawia,
	Tupper,	Way-White,
T,	Tweedle,	Wells,
Tababondung,		Welsh,
Talbott,	U,	West,
Tarbutt,	Usnac,	Whitman,
Tarbutt		Wicksteed,
Additional,	V,	Winget,
Tarentorous,	Vance,	Winkler,
Teasdale,	VanKoughnet,	Wiseman,
Tedder,	Varley,	Wishart,
Templeton,	Vasiloff,	Wlasy,
Tennyson,	Vibert,	Woolrich,
Thessalon,	Viel,	Worton,
Thompson,	Villeneuve,	
Thorp,		Y,
Tiernan,	W,	Yaremko,
Tilley,	Wagg,	
Tilston,	Walls,	

together with all the remaining territory included within the following limits:

Commencing at the northwest corner of the Township of Downer; thence south along the west boundaries of the townships of Downer, Frances, Flanders, Foch, Drew, Welsh, Magone, Johns, Common, Hunt, and the townships of McDowell, Memaskwosh, Charbonneau, Keating, Legarde, St. Germain, and Groseilliers to the high-water mark of Lake Superior; thence south astronomically to the intersection with the International Boundary between Canada and the United States of America; thence southeasterly and easterly following the International Boundary through Lake Superior, the St. Mary's River and the expansions thereof, and the North Channel of Lake Huron to an angle in the said boundary lying between Cockburn Island and Drummond Island; thence easterly in a straight line through the North Channel of Lake Huron to a point distant one and one-half miles measured south astronomically from the south-westerly extremity of Kenny Point on Innes Island; thence north 55° east astronomically five miles; thence east astronomically three miles; thence south 36° east astronomically five and one-half miles; thence northeasterly in a straight line to the intersection of the water's edge of the North Channel of Lake Huron with the southerly production of the west boundary of the Township of Harrow; thence northerly along the said southerly production and the west

boundary of the Township of Harrow to the southeast corner of the Township of Salter; thence westerly, southerly and westerly along the south boundary of the Township of Salter to the southeast corner of the Township of Victoria; thence westerly along the south boundary of the Township of Victoria to the southwest corner thereof; thence north along the west boundary of the Township of Victoria to the southwest corner of the Township of Cadeau; thence east along the south boundary of the said township to the southwest corner of the Township of Tennyson; thence east along the south boundary of the Township of Tennyson to the southeast corner of the said township; thence north along the east boundaries of the townships of Tennyson, Boon, Mandamin and Strain to the intersection with the south boundary of the Township of Rowat; thence east along that south boundary to the southeast corner thereof; thence north along the east boundaries of the townships of Rowat, Oshell, Hotte and Del Villano to the northeast corner of the last-mentioned township; thence west along the north boundaries of the townships of Del Villano, Beebe, Avis, Assef and Assad to the southeast corner of the Township of Parrott; thence north along the west boundaries of the townships of Parrott, McKeough and Guindon to the northeast corner of the last-mentioned township; thence west along the north boundaries of the townships of Guindon, Grossman, Gisborn, Gervais, Gaunt, Foulds, Ferrier, Ewen, Butcher, Bracci and Wlasy to the intersection with the east boundary of the Township of Running; thence north along the east boundaries of the townships of Running, McParland, Hallett, Emiry, Behmann, Wawia, Shawkence and Recollet, to the northeast corner of the last-mentioned township; thence west along the north boundary of the Township of Recollet to the southeast corner of the Township of Nadjiwon; thence north along the east boundaries of the townships of Nadjiwon, Laforme, Echum, Copenace, West and Meath to the intersection with the south boundary of the Township of Acton; thence east along the south boundaries of the townships of Acton, Winget, Amik, Abigo, Kildare, Lerwick, Kirkwall, Kapuskasing and Lougheed to the southeast corner of the last-mentioned township; thence north along the east boundaries of the townships of Lougheed, Davin, Buchan, Allenby, Concobar and Shanly, to the northeast corner of the last-mentioned township; thence west along the north boundaries of the townships of Shanly, Bourinot, Opasatika, Abbott, Doherty and part of the Township of Pelletier, to the southeast corner of the Township of Scholfield; thence north along the east boundaries of the townships of Scholfield and Ebbs to the northeast corner of the last-mentioned township; thence west along the boundaries of the townships of Ebbs, Templeton, McFarlan

and Dowsley to the southeast corner of the Township of McEwing; thence north along the east boundaries of the townships of McEwing and Arnott to the northeast corner of the last-mentioned township; thence west along the north boundaries of the townships of Arnott, Cross, Mercer and Downer to the point of commencement.

The Territorial District of Algoma forms the Provisional Judicial District of Algoma.

Provisional
Judicial
District of
Algoma

The westerly boundary of the Huron Copper Bay and Mining Company's location is and has always been since the 25th day of April, 1890, the true and correct boundary line between the municipalities of Johnson, Tarbutt and Tarbutt Additional and the municipality of Plummer Additional.

Boundary
between
municipalities
of Johnson,
etc., and
Plummer
defined

- (3) Paragraph 52 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 9, section 1, is repealed and the following substituted therefor:

52.—THE TERRITORIAL DISTRICT OF SUDBURY

Sudbury

consists of,

- (a) The Regional Municipality of Sudbury composed of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of Sudbury Act, 1972*; ^{1972, c. 104}
- (b) the towns of Espanola, Massey and Webbwood;
- (c) the geographic townships of,

A,	Arbutus,	Battersby,
Abbey,	Arden,	Baynes,
Abney,	Armagh,	Bazett,
Acadia,	Asquith,	Beaumont,
Acheson,	Athlone,	Beckett,
Addison,	Attlee,	Beemer,
Admiral,	Awrey,	Beilhartz,
Afton,	Aylmer,	Benneweis,
Alcona,		Benton,
Alcorn,	B,	Beresford,
Allen,	Bader,	Bernier,
Alton,	Baldwin,	Beulah,
Amyot,	Balfour,	Bevin,
Antrim,	Baltic,	Bigelow,
Appleby,	Barclay,	Biggs,

- | | | |
|--------------|--------------|---------------|
| Bigwood, | Chapleau, | Dieppe, |
| Birch, | Chaplin, | Dill, |
| Biscotasi, | Chappise, | Dore, |
| Blackburn, | Cherriman, | Dowling, |
| Blamey, | Chester, | Drea, |
| Blewett, | Chewett, | Druillettes, |
| Blezard, | Churchill, | Drury, |
| Bliss, | Clary, | Dryden, |
| Bonar, | Cleland, | Dublin, |
| Bordeleau, | Clifton, | Dukszta, |
| Borden, | Cochrane, | Dunbar, |
| Botha, | Collins, | Dundee, |
| Bounsall, | Collinshaw, | Dunlop, |
| Bowell, | Comox, | Dunnet, |
| Brackin, | Connaught, | Dupuis, |
| Braithwaite, | Coppell, | Durban, |
| Breadner, | Copperfield, | |
| Brebeuf, | Cortez, | E, |
| Broder, | Cosby, | Earl, |
| Browning, | Cosens, | Eaton, |
| Brunswick, | Cotton, | Eden, |
| Brutus, | Cox, | Edighoffer, |
| Buckland, | Craig, | Edinburgh, |
| Bullbrook, | Creelman, | Edith, |
| Burr, | Creighton, | Eisenhower, |
| Burrows, | Crépieul, | Elizabeth, |
| Burwash, | Crockett, | Ellis, |
| Busby, | Crothers, | Emerald, |
| | Cull, | Emo, |
| C, | Cunningham, | English, |
| Cabot, | Curtin, | Engstrom, |
| Caen, | | Eric, |
| Calais, | D, | Ermatinger, |
| Caouette, | Dale, | Esther, |
| Capreol, | Dalmas, | Ethel, |
| Carew, | Daoust, | Evans, |
| Carruthers, | D'Arcy, | |
| Carter, | D'Avaugour, | F, |
| Cartier, | Davis, | Fairbairn, |
| Carton, | Deans, | Fairbank, |
| Carty, | de Gaulle, | Falconbridge, |
| Cascaden, | Delamere, | Faust, |
| Casimir, | Délaney, | Fawcett, |
| Cassidy, | Delhi, | Fawn, |
| Cavana, | Delmage, | Fingal, |
| Cavell, | DeMorest, | Fitzsimmons, |
| Caverley, | Denison, | Floranna, |
| Ceylon, | Dennie, | Foleyet, |
| Chalet, | Denyes, | Foster, |
| Champagne, | DesRosiers, | Foy, |

Fraleck,
Frater,
Frechette,
Frey,
Fulton,

G,
Gallagher,
Gamey,
Gardhouse,
Garibaldi,
Garnet,
Garson,
Garvey,
Genier,
Genoa,
Gilbert,
Gilliland,
Gladwin,
Goschen,
Gough,
Gouin,
Graham,
Green,
Greenlaw,
Grigg,
Groves,

H,
Haddo,
Haentschel,
Hagar,
Halcrow,
Halifax,
Hall,
Hallam,
Halliday,
Halsey,
Hammond,
Hancock,
Hanmer,
Hardiman,
Harrow,
Hart,
Harty,
Hassard,
Hawley,
Hazen,
Heenan,
Hellyer,

Hendrie,
Hennessy,
Henry,
Hess,
Hill,
Hodgetts,
Hoey,
Hollinger,
Hong Kong,
Hornell,
Horwood,
Hoskin,
Howey,
Hubbard,
Huffman,
Hutcheon,
Hutt,
Hutton,
Hyman,

I,
Invergarry,
Inverness,
Iris,
Ivanhoe,
Ivy,

J,
Jack,
Janes,
Jasper,
Jeffries,
Jennings,
Joffre,

K,
Kalen,
Kaplan,
Keith,
Kelly,
Kelsey,
Kelso,
Kelvin,
Kemp,
Kenogaming,
Kilpatrick,
Kitchener,
Kosny,

L,
Lackner,
La Fleche,
Lampman,
Lang,
Langlois,
Laura,
Leask,
Leeson,
Leinster,
Lemoine,
Levack,
Lillie,
Lincoln,
Lipsett,
Lloyd,
Londonderry,
Lorne,
Loughrin,
Louise,
Lumsden,
Lynch,

M,
Macbeth,
Mackelcan,
MacLennan,
Macmurchy,
Mageau,
Mallard,
Manning,
Marconi,
Margaret,
Marion,
Marquette,
Marsh,
Marshall,
Marshay,
Martland,
Mason,
Mattagami,
May,
McBride,
McCarthy,
McConnel,
McGee,
McKim,
McKinnon,
McLeod,
McNamara,

McNaught,	Parkin,	Shenango,
McNish,	Patenaude,	Sheppard,
McOwen,	Pattinson,	Sherlock,
McPhail,	Paudash,	Sherratt,
Melrose,	Paul,	Shibananing,
Merritt,	Penhorwood,	Shipley,
Middleboro,	Peters,	Silk,
Miramichi,	Pinogami,	Singapore,
Missinaibi,	Porter,	Sladen,
Moen,	Potier,	Smuts,
Moffat,		Snider,
Moggy,	R,	Solski,
Moher,	Racine,	Somme,
Moncrieff,	Ramsden,	Sothman,
Mond,	Raney,	Specht,
Mongowin,	Rathbun,	Stalin,
Morgan,	Ratter,	Stetham,
Morse,	Rayside,	Stobie,
Moses,	Reaney,	Stover,
Mountbatten,	Reeves,	Stralak,
Muldrew,	Regan,	Strathearn,
Munster,	Rennie,	Street,
Murdock,	Rhodes,	Strom,
Muskego,	Roberts,	Struthers,
	Roblin,	Stull,
N,	Rollo,	Swayze,
Nairn,	Roosevelt,	Sweeny,
Natal,		Symington,
Neelands,	S,	
Neelon,	Sadler,	T,
Neill,	St. Louis,	Telfer,
Neville,	Sale,	Tilton,
Newton,	Salter,	Tofflemire,
Nimitz,	Sandy,	Togo,
Noble,	Scadding,	Tooms,
Norman,	Schembri,	Topham,
Northrup,	Scollard,	Totten,
Nursej,	Scotia,	Travers,
	Scriven,	Trill,
O,	Seagram,	Triquet,
Oates,	Secord,	Truman,
Ogilvie,	Selby,	Turner,
Onaping,	Selkirk,	Tyrone,
Oswald,	Semple,	
Osway,	Servos,	U,
Ouellette,	Sewell,	Ulster,
	Shakespeare,	Unwin,
P,	Sheard,	
Panet,	Shelburne,	V,
Parker,	Shelley,	Valin,

Venturi,	Waldie,	Wigle,
Vernon,	Warren,	Windego,
Victoria,	Waters,	Wisner,
Vondette,	Weeks,	Y,
Vrooman,	Westbrook,	Yeo,
	Whalen,	
W,	Whigham,	Z,
Wakami,	Whitehead,	Zavitz,

together with all the remaining territory included within the following limits;

Commencing at the southwest corner of the Township of Harrow; thence north along the west boundary of the Township of Harrow to the southeast corner of the Township of Salter; thence westerly, southerly and westerly along the south boundary of the Township of Salter to the southwest corner thereof; thence westerly along the south boundary of the Township of Victoria to the southwest corner thereof; thence north along the west boundary of the Township of Victoria to the northwest corner thereof; thence east along the north boundary of the Township of Victoria to the northeast corner thereof; thence east along the north boundary of the Township of Salter to the southwest corner of the Township of Gough; thence north along the west boundaries of the townships of Gough, Shibananing, Weeks and Moses to the northwest corner of the Township of Moses; thence east along the north boundary of the last-mentioned township to the southwest corner of the Township of Solski; thence north along the west boundaries of the townships of Solski, Ouellette, Gilbert and Dennie to the intersection with the south boundary of the Township of La Fleche; thence west along the south boundaries of the townships of La Fleche, Alton, Jasper, Durban, Ethel and Comox, to the southwest corner of the last-mentioned township; thence north along the west boundaries of the townships of Comox, Fulton and Iris to the northwest corner of the last-mentioned township; thence west along the south boundaries of the townships of Edighoffer, Eaton, Dukszta, Drea, Deans, Cassidy, Carruthers, Carton, Sherratt, Scriven, and Schembri to the southwest corner of the last-mentioned township; thence north along the west boundaries of the townships of Schembri, Moen, Hammond, Engstrom, Beilhartz, Windego, Topham and Cosens to the intersection with the south boundary of the Township of D'Avaugour; thence west along the said south boundary to the southwest corner thereof; thence north along the west boundaries of the townships of D'Avaugour, Hornell, Bader, Marsh, Stover and Rennie to the northwest corner of the last-mentioned township; thence east along the north boundaries of the

townships of Rennie, Leeson, Baltic, Barclay, Calais, Lloyd, Bonar, Sherlock, Shenango, Oates, Oswald, Melrose and Frey to the northeast corner of the last-mentioned township; thence south along the east boundaries of the townships of Frey, Sewell and Kenogaming to the northwest corner of the Township of Crothers; thence east along the north boundaries of the townships of Crothers, McBride, Hassard, Beemer, English and Zavitz to the northeast corner of the last-mentioned township; thence south along the east boundaries of the townships of Zavitz, Hutt, Halliday, Mond, Natal, Macmurchy, Fawcett, Ogilvie and Browning to the northwest corner of the Township of Stull; thence east along the north boundaries of the townships of Stull, McLeod, Ellis, Parker, Selby and Sladen to the northeast corner of the last-mentioned township; thence south along the east boundaries of the townships of Sladen, Shelburne, and Delhi to the southeast corner of the last-mentioned township; thence west along the south boundary of the Township of Delhi to the northeast corner of the Township of Armagh; thence south along the east boundaries of the townships of Armagh, Afton, Macbeth, McNish, Janes, Henry, Ratter and Dunnet to the southeast corner of the last-mentioned township; thence west along the south boundary of the Township of Dunnet to the northeast corner of the Township of Casimir; thence south along the east boundaries of the townships of Casimir, Haddo and Martland to the southeast corner of the last-mentioned township; thence east along the north boundary of the Township of Scollard and its easterly production to the centre line of the Little French River lying north of Okikendawt Island; thence southwesterly along the said centre line of the Little French River and the French River Main Channel adjacent to the south boundaries of the townships of Scollard, Mason, Bigwood, Allen and Struthers to the intersection with the southerly production of the east boundary of the Township of Travers; thence north along the said southerly production to the water's edge along the north shore of the said channel; thence southwesterly, westerly and southwesterly along the said water's edge and the water's edge of Georgian Bay to the intersection with the southerly production of the west boundary of the Township of Travers; thence north along the said southerly production and the west boundaries of the townships of Travers and Kilpatrick to the northwest corner of the last-mentioned township; thence west along the south boundary of the Township of Sale to the southwest corner thereof; thence north along the west boundary of the Township of Sale to the southeast corner of the Township of Goschen; thence west along the south boundaries of the townships of Goschen, Stalin, Roosevelt and Curtin, and the westerly production of the

south boundary of the last-mentioned township, to the water's edge of the North Channel of Lake Huron; thence northerly, westerly and southerly following the said water's edge to its intersection with the easterly production of the north boundary of the west part of the unsundered portion of the Whitefish Indian Reserve Number 4; thence west along the said production and the said north boundary to the water's edge of the North Channel of Lake Huron; thence northerly and westerly along the said water's edge to its intersection with the southerly production of the west boundary of the Township of Harrow; thence north along the said production to the point of commencement.

The Territorial District of Sudbury forms the Provisional Judicial District of Sudbury.

Provisional
Judicial
District of
Sudbury

- (4) Clause *c* of paragraph 53 of the said section 1 is repealed and the following substituted therefor:

s. 1,
par. 53 (c),
re-enacted

(c) the geographic townships of,

A,	Cecile,	Esnagami,
Abrey,	Chevrier,	Eva,
Adamson,	Church,	Exton,
Adrian,	Cockeram,	
Aldina,	Coldwell,	F,
Alpha,	Colliver,	Fallis,
Ames,	Colter,	Fauteux,
Ashmore,	Coltham,	Fernow,
Atikameg,	Conacher,	Fletcher,
	Conant,	Flood,
B,	Conmee,	Foote,
Bain,	Corrigal,	Forbes,
Barbara,	Cotte,	Fowler,
Bégin,	Croll,	Fraleigh,
Bell,	Crooks,	Fulford,
Benner,		Furlonge,
Bertrand,		
Bickle,	D,	
Blackwell,	Daley,	G,
Blake,	Danford,	Gemmell,
Bomby,	Davies,	Gertrude,
Booth,	Devon,	Gibbard,
Boucher,	Dorion,	Gillies,
Brothers,	Dorothea,	Glen,
Bryant,	Duckworth,	Goldie,
Bulmer,	Dye,	Golding,
Byron,		Goodfellow,
	E,	Gorham,
C,	Elmhirst,	Goulet,
Cecil,	Errington,	Grain,

Graydon,
Grenville,
Gzowski,

H,
Hagey,
Haines,
Hanniwel,
Hardwick,
Hartington,
Heathcote,
Hele,
Herbert,
Hipel,
Hogarth,
Homer,
Horne,
Houck,

I,
Innes,
Inwood,
Irwin,

J,
Jacques,
Jean,
Joynt,
Jutten,

K,
Kilkenny,
Killrairie,
Kirby,
Kitto,
Klotz,
Knowles,
Kowkash,

L,
Laberge,
Lahontan,
Lamport,
Langworthy,
Lapierre,
Laurie,
Lecours,
Ledger,
Leduc,
Legault,

Leslie,
Lett,
Lindsley,
Lismore,
Low,
Lybster,
Lyon,

M,
MacGregor,
Manion,
Mapledoram,
Marks,
McAllister,
McComber,
McCoy,
McCron,
McCubbin,
McGill,
McGillis,
McIntyre,
McIvor,
McKelvie,
McLaurin,
McMaster,
McQuesten,
McTavish,
Meador,
Meinzinger,
Michener,
Mikano,
Moss,

N,
Nakina,
Neebing,
Nickle,
Nipigon,

O,
Oakes,
Oboshkegan,
O'Connor,
Oliver,
O'Meara,
O'Neill,

P,
Paipoonce,
Pardee,

Parent,
Parry,
Patience,
Patrick,
Pearson,
Pic,
Pifher,
Poisson,
Priske,
Purdom,
Pyramid,

R,
Rickaby,
Robbins,
Robertta,
Robson,
Rupert,

S,
Sackville,
Salsberg,
Sandra,
Savanne,
Savant,
Scoble,
Shabotik,
Sibley,
Smye,
Soper,
Spooner,
Stedman,
Stirling,
Strange,
Strey,
Summers,
Suni,
Syine,

T,
Trewartha,
Tuuri,

U,
Upsala,

V,
Vincent,
Vivian,

W,
Walsh,
Walters,

Wardrope,
Ware,
Wiggins,

Y,
Yesno

2.—(1) This Act, except subsection 1 of section 1, comes into ^{Commence-}force on the day it receives Royal Assent.
_{ment}

(2) Subsection 1 of section 1 shall be deemed to have come ^{Idem}into force on the 1st day of January, 1975.

3. This Act may be cited as *The Territorial Division Amendment* ^{Short title}
Act, 1975.

An Act to amend
The Territorial Division Act

1st reading

June 17th, 1975

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

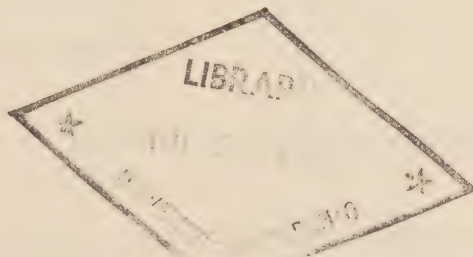
BILL 112

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Territorial Division Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

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BILL 112

1975

An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 27 of section 1 of *The Territorial Division Act*, ^{s. 1, par. 27, re-enacted} being chapter 458 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

27.—THE COUNTY OF OXFORD

Oxford

consists of,

- (a) the City of Woodstock;
- (b) the towns of Ingersoll and Tillsonburg;
- (c) the townships of,

Blandford-Blenheim,
East Zorra-Tavistock,
Norwich,
South-West Oxford,
Zorra.

- (2) Paragraph 44 of the said section 1 is repealed and the ^{s. 1, par. 44, re-enacted} following substituted therefor:

44.—THE TERRITORIAL DISTRICT OF ALGOMA

Algoma

consists of,

- (a) the City of Sault Ste. Marie;
- (b) the towns of Blind River, Bruce Mines, Thessalon;
- (c) the villages of Hilton Beach, Iron Bridge;

(d) the geographic townships of,

Abbott,	Bourinot,	Cudney,
Aberdeen,	Bracci,	Curtis,
Aberdeen	Bray,	Cuthbertson,
Additional,	Breckenridge,	
Abigo,	Bridgland,	
Abotossaway,	Bright,	Dablon,
Abraham,	Bright Additional,	Dagle,
Acton,	Brimacombe,	Dahl,
Aguonie,	Broome,	Dambrossio,
Alanen,	Broughton,	Daumont,
Alarie,	Brûlé,	Davieaux,
Albanel,	Bruyere,	Davin,
Alderson,	Buchan,	Day,
Allenby,	Buckles,	Deagle,
Allouiz,	Bullock,	Debassige,
Amik,	Butcher,	Del Villano,
Amundsen,	Byng,	Dennis,
Anderson,		Deroche,
André,		Derry,
Archibald,	Cadeau,	Desbiens,
Arnott,	Cannard,	Doherty,
Ashley,	Carmody,	Dolson,
Assad,	Carney,	Doucett,
Assef,	Casson,	Downer,
Asselin,	Chabanel,	Dowsley,
Atkinson,	Challener,	Drew,
Avis,	Champlain,	Dulhut,
Awenge,	Chapais,	Dumas,
Aweres,	Charbonneau,	Duncan,
	Chelsea,	Dunphy,
	Chenard,	
Bailloquet,	Chesley,	
Barager,	Chesley	
Barnes,	Additional,	Eaket,
Bayfield,	Cholette,	Ebbs,
Beange,	Clouston,	Echum,
Beaton,	Cobden,	Elgie,
Beaudin,	Coderre,	Emiry,
Beaudry,	Common,	Ericson,
Beuparant,	Concobar,	Ermine,
Beebe,	Conking,	Esquega,
Behmann,	Cooper,	Esten,
Bernst,	Copenace,	Ewen,
Bird,	Corbiere,	
Bolger,	Corboy,	
Boon,	Cowie,	Fabbro,
Bostwick,	Cromlech,	Farquhar,
Bouck,	Cross,	Fenwick,

Ferrier,
Fiddler,
Finan,
Fisher,
Flanders,
Foch,
Fontaine,
Foucault,
Foulds,
Frances,
Franchere
Franz,
Frost,

Gaiashk,
Galbraith,
Gapp,
Gaudette,
Gaudry,
Gaunt,
Gerow,
Gervais,
Gilbertson,
Giles,
Gillmor,
Gisborn,
Gladstone,
Glasgow,
Goodwillie,
Gould,
Gourlay,
Grasett,
Greenwood,
Grenoble,
Groofenboer,
Groseilliers,
Grossman,
Grzela,
Guindon,
Gunterman,

Hadley,
Haig,
Hallett,
Hambleton,
Handleman,
Haughton,
Havilland,

Havrot,
Hawkins,
Hayward,
Hembruff,
Herrick,
Hiawatha,
Hilton,
Hodgins,
Hoffman,
Home,
Hook,
Hotte,
Hughes,
Hughson,
Hunt,
Huotari,
Hurlburt,
Hynes,

Irving,
Isaac,

Jackson,
Jacobson,
Jarvis,
Jessiman,
Jocelyn,
Jogues,
Johns,
Johnson,
Jollineau,
Joubin,
Juillette,

Kamichisitit,
Kane,
Kapusksing,
Kars,
Keating,
Keating
Additional,
Keesickquayash,
Kehoe,
Kildare,
Killins,
Kincaid,
Kirkwell,

Kirkwood,
Knically,
Korah,

Labelle,
Labonte,
Laforme,
Laird,
Lalibert,
Lamming,
Landriault,
Lane,
Larkin,
LaRonde,
Larson,
Lascelles,
Lastheels,
Laughren,
La Verendrye,
Lawlor,
Le Caron,
Leclair,
Lefebure,
Lefroy,
Legarde,
Legarde

Additional,
Legge,
Leguerrier,
Lehman,
Leluk,
Lendrum,
Lerwick,
Lessard,
Levesque,
Lewis,
Ley,
Lipton,
Lizar,
Loach,
Lockeyer,
Long,
Lougheed,
Lunkie,

Macaskill,
Macdonald,
Mack,

Strickland,	Tilston,	Walls,
Striker,	Timbrell,	Wardle,
Sturgeon,	Timmermans,	Warpula,
Suganaqueb,	Tolmonen,	Waswa,
	Tronsen,	Wawia,
	Tupper,	Way-White,
Tababondung,	Tweedle,	Wells,
Talbott,		Welsh,
Tarbutt,		West,
Tarbutt	Usnac,	Whitman,
Additional,		Wicksteed,
Tarentorous,		Winget,
Teasdale,	Vance,	Winkler,
Tedder,	VanKoughnet,	Wiseman,
Templeton,	Varley,	Wishart,
Tennyson,	Vasiloff,	Wlasy,
Thessalon,	Vibert,	Woolrich,
Thompson,	Viel,	Worton,
Thorp,	Villeneuve,	
Tiernan,		
Tilley,	Wagg,	Yaremko,

together with all the remaining territory included within the following limits:

Commencing at the northwest corner of the Township of Downer; thence south along the west boundaries of the townships of Downer, Frances, Flanders, Foch, Drew, Welsh, Magone, Johns, Common, Hunt, and the townships of McDowell, Memaskwosh, Charbonneau, Keating, Legarde, St. Germain, and Groseilliers to the high-water mark of Lake Superior; thence south astronomically to the intersection with the International Boundary between Canada and the United States of America; thence southeasterly and easterly following the International Boundary through Lake Superior, the St. Mary's River and the expansions thereof, and the North Channel of Lake Huron to an angle in the said boundary lying between Cockburn Island and Drummond Island; thence easterly in a straight line through the North Channel of Lake Huron to a point distant one and one-half miles measured south astronomically from the south-westerly extremity of Kenny Point on Innes Island; thence north 55° east astronomically five miles; thence east astronomically three miles; thence south 36° east astronomically five and one-half miles; thence northeasterly in a straight line to the intersection of the water's edge of the North Channel of Lake Huron with the southerly production of the west boundary of the Township of Harrow; thence northerly along the said southerly production and the west

boundary of the Township of Harrow to the southeast corner of the Township of Salter; thence westerly, southerly and westerly along the south boundary of the Township of Salter to the southeast corner of the Township of Victoria; thence westerly along the south boundary of the Township of Victoria to the southwest corner thereof; thence north along the west boundary of the Township of Victoria to the southwest corner of the Township of Cadeau; thence east along the south boundary of the said township to the southwest corner of the Township of Tennyson; thence east along the south boundary of the Township of Tennyson to the southeast corner of the said township; thence north along the east boundaries of the townships of Tennyson, Boon, Mandamin and Strain to the intersection with the south boundary of the Township of Rowat; thence east along that south boundary to the southeast corner thereof; thence north along the east boundaries of the townships of Rowat, Oshell, Hotte and Del Villano to the northeast corner of the last-mentioned township; thence west along the north boundaries of the townships of Del Villano, Beebe, Avis, Assef and Assad to the southeast corner of the Township of Parrott; thence north along the west boundaries of the townships of Parrott, McKeough and Guindon to the northeast corner of the last-mentioned township; thence west along the north boundaries of the townships of Guindon, Grossman, Gisborn, Gervais, Gaunt, Foulds, Ferrier, Ewen, Butcher, Bracci and Wlasy to the intersection with the east boundary of the Township of Running; thence north along the east boundaries of the townships of Running, McParland, Hallett, Emiry, Behmann, Wawia, Shawkence and Recollet, to the northeast corner of the last-mentioned township; thence west along the north boundary of the Township of Recollet to the southeast corner of the Township of Nadjiwon; thence north along the east boundaries of the townships of Nadjiwon, Laforme, Echum, Copenace, West and Meath to the intersection with the south boundary of the Township of Acton; thence east along the south boundaries of the townships of Acton, Winget, Amik, Abigo, Kildare, Lerwick, Kirkwall, Kapuskasing and Lougheed to the southeast corner of the last-mentioned township; thence north along the east boundaries of the townships of Lougheed, Davin, Buchan, Allenby, Concobar and Shanly, to the northeast corner of the last-mentioned township; thence west along the north boundaries of the townships of Shanly, Bourinot, Opasatika, Abbott, Doherty and part of the Township of Pelletier, to the southeast corner of the Township of Scholfield; thence north along the east boundaries of the townships of Scholfield and Ebbs to the northeast corner of the last-mentioned township; thence west along the boundaries of the townships of Ebbs, Templeton, McFarlan

and Dowsley to the southeast corner of the Township of McEwing; thence north along the east boundaries of the townships of McEwing and Arnott to the northeast corner of the last-mentioned township; thence west along the north boundaries of the townships of Arnott, Cross, Mercer and Downer to the point of commencement.

The Territorial District of Algoma forms the Provisional Judicial District of Algoma.

Provisional
Judicial
District of
Algoma

The westerly boundary of the Huron Copper Bay and Mining Company's location is and has always been since the 25th day of April, 1890, the true and correct boundary line between the municipalities of Johnson, Tarbutt and Tarbutt Additional and the municipality of Plummer Additional.

Boundary
between
municipalities
of Johnson,
etc., and
Plummer
defined

- (3) Paragraph 52 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 9, section 1, is repealed and the following substituted therefor:

s. 1,
par. 52,
is re-enacted

52.—THE TERRITORIAL DISTRICT OF SUDBURY

Sudbury

consists of,

- (a) The Regional Municipality of Sudbury composed of the municipalities from time to time included within the Regional Area as defined in *The Regional Municipality of Sudbury Act, 1972*; ^{1972, c. 104}
- (b) the towns of Espanola, Massey and Webbwood;
- (c) the geographic townships of,

Abbey,	Arden,	Battersby,
Abney,	Armagh,	Baynes,
Acadia,	Asquith,	Bazett,
Acheson,	Athlone,	Beaumont,
Addison,	Attlee,	Beckett,
Admiral,	Awrey,	Beemer,
Afton,	Aylmer,	Beilhartz,
Alcona,		Benneweis,
Alcorn,		Benton,
Allen,		Beresford,
Alton,	Bader,	Bernier,
Amyot,	Baldwin,	Beulah,
Antrim,	Balfour,	Bevin,
Appleby,	Baltic,	Bigelow,
Arbutus,	Barclay,	Biggs,

Bigwood,
 Birch,
 Biscotasi,
 Blackburn,
 Blamey,
 Blewett,
 Blezard,
 Bliss,
 Bonar,
 Bordeleau,
 Borden,
 Botha,
 Bounsall,
 Bowell,
 Brackin,
 Braithwaite,
 Breadner,
 Brebeuf,
 Broder,
 Browning,
 Brunswick,
 Brutus,
 Buckland,
 Bullbrook,
 Burr,
 Burrows,
 Burwash,
 Busby,

Cabot,
 Caen,
 Calais,
 Caouette,
 Capreol,
 Carew,
 Carruthers,
 Carter,
 Cartier,
 Carton,
 Carty,
 Cascaden,
 Casimir,
 Cassidy,
 Cavana,
 Cavell,
 Caverley,
 Ceylon,
 Chalet,
 Champagne,

Chapleau,
 Chaplin,
 Chappise,
 Cherriman,
 Chester,
 Chewett,
 Churchill,
 Clary,
 Cleland,
 Clifton,
 Cochrane,
 Collins,
 Collinshaw,
 Comox,
 Connaught,
 Coppell,
 Copperfield,
 Cortez,
 Cosby,
 Cosens,
 Cotton,
 Cox,
 Craig,
 Creelman,
 Creighton,
 Crépieu,
 Crockett,
 Crothers,
 Cull,
 Cunningham,
 Curtin,

Dale,
 Dalmas,
 Daoust,
 D'Arcy,
 D'Avaugour,
 Davis,
 Deans,
 de Gaulle,
 Delamere,
 Délaney,
 Delhi,
 Delmage,
 DeMorest,
 Denison,
 Dennie,
 Denyes,
 DesRosiers,

Dieppe,
 Dill,
 Dore,
 Dowling,
 Drea,
 Druillettes,
 Drury,
 Dryden,
 Dublin,
 Dukszta,
 Dunbar,
 Dundee,
 Dunlop,
 Dunnet,
 Dupuis,
 Durban,

Earl,
 Eaton,
 Eden,
 Edighoffer,
 Edinburgh,
 Edith,
 Eisenhower,
 Elizabeth,
 Ellis,
 Emerald,
 Emo,
 English,
 Engstrom,
 Eric,
 Ermatinger,
 Esther,
 Ethel,
 Evans,

Fairbairn,
 Fairbank,
 Falconbridge,
 Faust,
 Fawcett,
 Fawn,
 Fingal,
 Fitzsimmons,
 Floranna,
 Foleyet,
 Foster,
 Foyer,

Fraleck,
Frater,
Frechette,
Frey,
Fulton,

Gallagher,
Gamey,
Gardhouse,
Garibaldi,
Garnet,
Garson,
Garvey,
Genier,
Genoa,
Gilbert,
Gilliland,
Gladwin,
Goschen,
Gough,
Gouin,
Graham,
Green,
Greenlaw,
Grigg,
Groves,

Haddo,
Haentschel,
Hagar,
Halcrow,
Halifax,
Hall,
Hallam,
Halliday,
Halsey,
Hammond,
Hancock,
Hanmer,
Hardiman,
Harrow,
Hart,
Harty,
Hassard,
Hawley,
Hazen,
Heenan,
Hellyer,

Hendrie,
Hennessy,
Henry,
Hess,
Hill,
Hodgetts,
Hoey,
Hollinger,
Hong Kong,
Hornell,
Horwood,
Hoskin,
Howey,
Hubbard,
Huffman,
Hutcheon,
Hutt,
Hutton,
Hyman,

Invergarry,
Inverness,
Iris,
Ivanhoe,
Ivy,

Jack,
Janes,
Jasper,
Jeffries,
Jennings,
Joffre,

Kalen,
Kaplan,
Keith,
Kelly,
Kelsey,
Kelso,
Kelvin,
Kemp,
Kenogaming,
Kilpatrick,
Kitchener,
Kosny,

Lackner,
La Fleche,
Lampman,
Lang,
Langlois,
Laura,
Leask,
Leeson,
Leinster,
Lemoine,
Levack,
Lillie,
Lincoln,
Lipsett,
Lloyd,
Londonderry,
Lorne,
Loughrin,
Louise,
Lumsden,
Lynch,

Macbeth,
Mackelcan,
MacIennan,
Macmurchy,
Mageau,
Mallard,
Manning,
Marconi,
Margaret,
Marion,
Marquette,
Marsh,
Marshall,
Marshay,
Martland,
Mason,
Mattagami,
May,
McBride,
McCarthy,
McConnel,
McGee,
McKim,
McKinnon,
McLeod,
McNamara,

McNaught,
McNish,
McOwen,
McPhail,
Melrose,
Merritt,
Middleboro,
Miramichi,
Missinaibi,
Moen,
Moffat,
Moggy,
Moher,
Moncrieff,
Mond,
Mongowin,
Morgan,
Morse,
Moses,
Mountbatten,
Muldrew,
Munster,
Murdock,
Muskego,

Nairn,
Natal,
Neelands,
Neelon,
Neill,
Neville,
Newton,
Nimitz,
Noble,
Norman,
Northrup,
Nursey,

Oates,
Ogilvie,
Onaping,
Oswald,
Osway,
Ouellette,

Panet,
Parker,

Parkin,
Patenaude,
Pattinson,
Paudash,
Paul,
Penhorwood,
Peters,
Pinogami,
Porter,
Potier,

Racine,
Ramsden,
Raney,
Rathbun,
Ratter,
Rayside,
Reaney,
Reeves,
Regan,
Rennie,
Rhodes,
Roberts,
Roblin,
Rollo,
Roosevelt,

Sadler,
St. Louis,
Sale,
Salter,
Sandy,
Scadding,
Schembri,
Scollard,
Scotia,
Scriven,
Seagram,
Secord,
Selby,
Selkirk,
Semple,
Servos,
Sewell,
Shakespeare,
Sheard,
Shelburne,
Shelley,

Shenango,
Sheppard,
Sherlock,
Sherratt,
Shibananing,
Shipley,
Silk,
Singapore,
Sladen,
Smuts,
Snider,
Solski,
Somme,
Sothman,
Specht,
Stalin,
Stetham,
Stobie,
Stover,
Stralak,
Strathearn,
Street,
Strom,
Struthers,
Stull,
Swayze,
Sweeny,
Symington,

Telfer,
Tilton,
Tofflemire,
Togo,
Tooms,
Topham,
Totten,
Travers,
Trill,
Triquet,
Truman,
Turner,
Tyrone,

Ulster,
Unwin,

Valin,

Venturi,	Warren,	Windego,
Vernon,	Waters,	Wisner,
Victoria,	Weeks,	
Vondette,	Westbrook,	
Vrooman,	Whalen,	Yeo,
	Whigham,	
Wakami,	Whitehead,	
Waldie,	Wigle,	Zavitz,

together with all the remaining territory included within the following limits;

Commencing at the southwest corner of the Township of Harrow; thence north along the west boundary of the Township of Harrow to the southeast corner of the Township of Salter; thence westerly, southerly and westerly along the south boundary of the Township of Salter to the southwest corner thereof; thence westerly along the south boundary of the Township of Victoria to the southwest corner thereof; thence north along the west boundary of the Township of Victoria to the northwest corner thereof; thence east along the north boundary of the Township of Victoria to the northeast corner thereof; thence east along the north boundary of the Township of Salter to the southwest corner of the Township of Gough; thence north along the west boundaries of the townships of Gough, Shibananing, Weeks and Moses to the northwest corner of the Township of Moses; thence east along the north boundary of the last-mentioned township to the southwest corner of the Township of Solski; thence north along the west boundaries of the townships of Solski, Ouellette, Gilbert and Dennie to the intersection with the south boundary of the Township of La Fleche; thence west along the south boundaries of the townships of La Fleche, Alton, Jasper, Durban, Ethel and Comox, to the southwest corner of the last-mentioned township; thence north along the west boundaries of the townships of Comox, Fulton and Iris to the northwest corner of the last-mentioned township; thence west along the south boundaries of the townships of Edighoffer, Eaton, Duksza, Drea, Deans, Cassidy, Carruthers, Carton, Sherratt, Scriven, and Schembri to the southwest corner of the last-mentioned township; thence north along the west boundaries of the townships of Schembri, Moen, Hammond, Engstrom, Beilhartz, Windego, Topham and Cosens to the intersection with the south boundary of the Township of D'Avaugour; thence west along the said south boundary to the southwest corner thereof; thence north along the west boundaries of the townships of D'Avaugour, Hornell, Bader, Marsh, Stover and Rennie to the northwest corner of the last-mentioned township; thence east along the north boundaries of the

townships of Rennie, Leeson, Baltic, Barclay, Calais, Lloyd, Bonar, Sherlock, Shenango, Oates, Oswald, Melrose and Frey to the northeast corner of the last-mentioned township; thence south along the east boundaries of the townships of Frey, Sewell and Kenogaming to the northwest corner of the Township of Crothers; thence east along the north boundaries of the townships of Crothers, McBride, Hassard, Beemer, English and Zavitz to the northeast corner of the last-mentioned township; thence south along the east boundaries of the townships of Zavitz, Hutt, Halliday, Mond, Natal, Macmurchy, Fawcett, Ogilvie and Browning to the northwest corner of the Township of Stull; thence east along the north boundaries of the townships of Stull, McLeod, Ellis, Parker, Selby and Sladen to the northeast corner of the last-mentioned township; thence south along the east boundaries of the townships of Sladen, Shelburne, and Delhi to the southeast corner of the last-mentioned township; thence west along the south boundary of the Township of Delhi to the northeast corner of the Township of Armagh; thence south along the east boundaries of the townships of Armagh, Afton, Macbeth, McNish, Janes, Henry, Ratter and Dunnet to the southeast corner of the last-mentioned township; thence west along the south boundary of the Township of Dunnet to the northeast corner of the Township of Casimir; thence south along the east boundaries of the townships of Casimir, Haddo and Martland to the southeast corner of the last-mentioned township; thence east along the north boundary of the Township of Scollard and its easterly production to the centre line of the Little French River lying north of Okikendawt Island; thence southwesterly along the said centre line of the Little French River and the French River Main Channel adjacent to the south boundaries of the townships of Scollard, Mason, Bigwood, Allen and Struthers to the intersection with the southerly production of the east boundary of the Township of Travers; thence north along the said southerly production to the water's edge along the north shore of the said channel; thence southwesterly, westerly and southwesterly along the said water's edge and the water's edge of Georgian Bay to the intersection with the southerly production of the west boundary of the Township of Travers; thence north along the said southerly production and the west boundaries of the townships of Travers and Kilpatrick to the northwest corner of the last-mentioned township; thence west along the south boundary of the Township of Sale to the southwest corner thereof; thence north along the west boundary of the Township of Sale to the southeast corner of the Township of Goschen; thence west along the south boundaries of the townships of Goschen, Stalin, Roosevelt and Curtin, and the westerly production of the

south boundary of the last-mentioned township, to the water's edge of the North Channel of Lake Huron; thence northerly, westerly and southerly following the said water's edge to its intersection with the easterly production of the north boundary of the west part of the unsundered portion of the Whitefish Indian Reserve Number 4; thence west along the said production and the said north boundary to the water's edge of the North Channel of Lake Huron; thence northerly and westerly along the said water's edge to its intersection with the southerly production of the west boundary of the Township of Harrow; thence north along the said production to the point of commencement.

The Territorial District of Sudbury forms the Provisional Judicial District of Sudbury.

Provisional
Judicial
District of
Sudbury

- (4) Clause *c* of paragraph 53 of the said section 1 is repealed and the following substituted therefor:

s. 1,
par. 53 (c),
re-enacted

(c) the geographic townships of,

Abrey,	Chevrier,	Esnagami,
Adamson,	Church,	Eva,
Adrian,	Cockeram,	Exton,
Aldina,	Coldwell,	
Alpha,	Colliver,	
Ames,	Colter,	Fallis,
Ashmore,	Coltham,	Fauteux,
Atikameg,	Conacher,	Fernow,
	Conant,	Fletcher,
	Connée,	Flood,
Bain,	Corrigal,	Foote,
Barbara,	Cotte,	Forbes,
Bégin,	Croll,	Fowler,
Bell,	Crooks,	Fraleigh,
Benner,		Fulford,
Bertrand,		Furlonge,
Bickle,		
Blackwell,	Daley,	
Blake,	Danford,	
Bomby,	Davies,	Gemmell,
Booth,	Devon,	Gertrude,
Boucher,	Dorion,	Gibbard,
Brothers,	Dorothea,	Gillies,
Bryant,	Duckworth,	Glen,
Bulmer,	Dye,	Goldie,
Byron,		Golding,
		Goodfellow,
		Gorham,
Cecil,	Elmhirst,	Goulet,
Cecile,	Errington,	Grain,

Graydon, Grenville, Gzowski,	Leslie, Lett, Lindsley, Lismore, Low, Lybster, Lyon,	Parent, Parry, Patience, Patrick, Pearson, Pic, Pifher, Poisson, Priske, Purdom, Pyramid,
Hagey, Haines, Hanniwel, Hardwick, Hartington, Heathcote, Hele, Herbert, Hipel, Hogarth, Homer, Horne, Houck,	MacGregor, Manion, Mapledoram, Marks, McAllister, McComber, McCoy, McCron, McCubbin, McGill, McGillis, McIntyre, McIvor, McKelvie, McLaurin, McMaster, McQuesten, McTavish, Meader, Meinzinger, Michener, Mikano, Moss,	Rickaby, Robbins, Roberta, Robson, Rupert,
Innes, Inwood, Irwin,		Sackville, Salsberg, Sandra, Savanne, Savant, Scoble, Shabotik, Sibley, Smye, Soper, Spoonier, Stedman, Stirling, Strange, Strey,
Jacques, Jean, Joynt, Jutten,		Summers, Suni, Syine,
Kilkenny, Killraine, Kirby, Kitto, Klotz, Knowles, Kowkash,	Nakina, Neebing, Nickle, Nipigon,	
Laberge, Lahontan, Lamport, Langworthy, Lapierre, Laurie, Lecours, Ledger, Leduc, Legault,	Oakes, Oboshkegan, O'Connor, Oliver, O'Meara, O'Neill,	Trewartha, Tuuri,
	Paipoonge, Pardee,	Upsala, Vincent, Vivian,
		Walsh,

Walters,
Wardrope,

Ware,
Wiggins,

Yesno

- 2.**—(1) This Act, except subsection 1 of section 1, comes into ^{Commence-}
force on the day it receives Royal Assent.
- (2) Subsection 1 of section 1 shall be deemed to have come ^{Idem}
into force on the 1st day of January, 1975.
- 3.** This Act may be cited as *The Territorial Division Amendment* ^{Short title}
Act, 1975.

An Act to amend
The Territorial Division Act

1st Reading

June 17th, 1975

2nd Reading

July 3rd, 1975

3rd Reading

July 3rd, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The County of Oxford Act, 1974

Ontario. Legislative Assembly

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

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EXPLANATORY NOTE

The effect of the amendment is to permit the municipalities named to make a pre-estimate levy in 1975 of up to 75 per cent of the previous year's levy; presently such pre-estimate levy is limited to 50 per cent.

BILL 113

1975

**An Act to amend
The County of Oxford Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 83 of *The County of Oxford Act, 1974*, being chapter 57, is amended by adding thereto the following subsection: s. 83,
amended

(4a) The councils of the City of Woodstock and the Town of Ingersoll may, in the year 1975, before the adoption of the estimates for the year, levy in their respective municipalities on the whole of the assessment for real property including business assessment according to the last revised assessment roll, a sum not exceeding 75 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in 1974 on residential real property of public school supporters. Levy
before
estimates
adopted

2. This Act shall be deemed to have come into force on the 1st day of January, 1975. Commence-
ment
3. This Act may be cited as *The County of Oxford Amendment Act, 1975*. Short title

An Act to amend
The County of Oxford Act, 1974

1st Reading

June 17th, 1975

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CA20N

XB

-B56

BILL 113

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The County of Oxford Act, 1974

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

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An Act to amend
The County of Oxford Act, 1974

1st Reading

June 17th, 1975

2nd Reading

July 3rd, 1975

3rd Reading

July 3rd, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

CA20N

XB

-B56

BILL 114

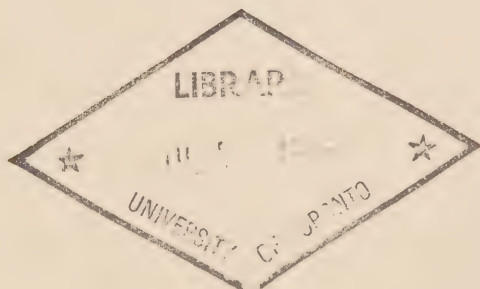
Government
Publication
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to amend
The Municipality of Metropolitan Toronto Act**

Ontario, Legislative Assembly

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

At present, the Metropolitan Corporation is deemed to be a city for the purposes of *The General Welfare Assistance Act*; the amendment changes the status of the Corporation to that of a county for the purposes of such Act.

BILL 114

1975

**An Act to amend
The Municipality of Metropolitan Toronto Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 165 of *The Municipality of Metropolitan Toronto Act*, ^{s. 165, amended} being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out "city" in the second line and inserting in lieu thereof "county".
2. This Act comes into force on the 1st day of January, 1976. Commence-
ment
3. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1975*. Short title

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

June 17th, 1975

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

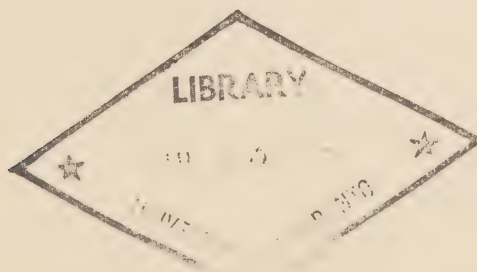
(Government Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend
The Municipality of Metropolitan Toronto Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 114

1975

**An Act to amend
The Municipality of Metropolitan Toronto Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 165 of *The Municipality of Metropolitan Toronto Act*, ^{s. 165, amended} being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out "city" in the second line and inserting in lieu thereof "county".
2. This Act comes into force on the 1st day of January, 1976. Commence-
ment
3. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1975*. Short title

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

June 17th, 1975

2nd Reading

July 3rd, 1975

3rd Reading

July 3rd, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

CA20N

XB

-B 56

BILL 115

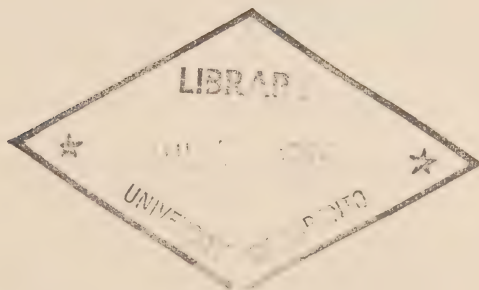
Government
Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Stock Yards Act

Ontario. Legislative Assembly

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO
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EXPLANATORY NOTE

At present, the Act provides that surplus moneys of the Ontario Stock Yards Board shall be deposited in the Consolidated Revenue Fund and shall constitute a fund known as the Live-stock Improvement Fund.

The amendment will permit the Board to use future surplus moneys to establish a reserve fund in the Consolidated Revenue Fund to be used in the manner set out.

An Act to amend The Stock Yards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Stock Yards Act*, being chapter 448 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

7.—(1) All moneys received by the Board from the operation of its undertakings or otherwise shall be applied to,

- (a) operating expenses;
- (b) payment of interest on indebtedness;
- (c) repayment of principal moneys borrowed; and
- (d) improvement of its premises and facilities, including the purchase of fixed assets.

(2) Subject to subsection 4, any surplus moneys remaining in any year after the payments mentioned in subsection 1 are made in that year shall, where such moneys are not immediately required for the purposes of subsection 1, be used to establish and maintain a reserve fund,

- (a) the amount of which shall not exceed \$500,000;
- (b) the interest from which shall be used by the Board for the operation of its undertakings; and
- (c) the principal of which may from time to time be used by the Board for any purpose approved by the Lieutenant Governor in Council upon the recommendation of the Board and the Minister.

(3) Moneys used to establish and maintain the reserve fund shall be paid to the Treasurer of Ontario and

R.S.O. 1970,
c. 166

deposited in the Consolidated Revenue Fund and shall constitute a fund to be known as the Ontario Stock Yards Board Reserve Fund and section 16 of *The Financial Administration Act* applies thereto.

Use of
surplus
moneys

(4) In any year in which the amount of the reserve fund is \$500,000, the surplus moneys referred to in subsection 2 shall be used to reduce the fees charged by the Board for services provided at any stock yard that it operates.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Stock Yards Amendment Act, 1975*.

An Act to amend
The Stock Yards Act

1st Reading

June 17th, 1975

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

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BILL 115

Government
Publication

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Stock Yards Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Stock Yards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Stock Yards Act*, being chapter 448 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

7.—(1) All moneys received by the Board from the ^{s. 7, re-enacted} Application operation of its undertakings or otherwise shall be applied to,

- (a) operating expenses;
- (b) payment of interest on indebtedness;
- (c) repayment of principal moneys borrowed; and
- (d) improvement of its premises and facilities, including the purchase of fixed assets.

(2) Subject to subsection 4, any surplus moneys remaining ^{Surplus moneys} in any year after the payments mentioned in subsection 1 are made in that year shall, where such moneys are not immediately required for the purposes of subsection 1, be used to establish and maintain a reserve fund,

- (a) the amount of which shall not exceed \$500,000;
- (b) the interest from which shall be used by the Board for the operation of its undertakings; and
- (c) the principal of which may from time to time be used by the Board for any purpose approved by the Lieutenant Governor in Council upon the recommendation of the Board and the Minister.

(3) Moneys used to establish and maintain the reserve ^{Reserve Fund} fund shall be paid to the Treasurer of Ontario and

R.S.O. 1970,
c. 166

deposited in the Consolidated Revenue Fund and shall constitute a fund to be known as the Ontario Stock Yards Board Reserve Fund and section 16 of *The Financial Administration Act* applies thereto.

Use of
surplus
moneys

(4) In any year in which the amount of the reserve fund is \$500,000, the surplus moneys referred to in subsection 2 shall be used to reduce the fees charged by the Board for services provided at any stock yard that it operates.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Stock Yards Amendment Act, 1975*.

An Act to amend
The Stock Yards Act

1st Reading

June 17th, 1975

2nd Reading

July 4th, 1975

3rd Reading

July 4th, 1975

THE HON. W. A. STEWART
Minister of Agriculture and Food

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

The Ontario Agricultural Museum Act, 1975

Ontario. Legislative Assembly

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

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EXPLANATORY NOTE

The Bill updates and revises *The Ontario Agricultural Museum Act*.

Some of the features of the Bill are as follows:

1. The Ontario Agricultural Museum Advisory Board is continued.
2. Provision is made for the appointment of a chief executive officer of the Museum and his staff.
3. The objects of the Museum are enlarged.
4. The powers of the Minister are set out in greater detail.
5. Provision is made for the deposit and use of moneys realized from the sale of property of the Museum.
6. Provision is made for the making and tabling of an annual report on the affairs of the Museum and for an annual audit by the Provincial Auditor of the accounts of the Museum.

BILL 116

1975

The Ontario Agricultural Museum Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Board" means the Ontario Agricultural Museum Advisory Board;

(b) "donation" includes any gift, testamentary disposition, deed of trust or other form of contribution;

(c) "Minister" means the Minister of Agriculture and Food;

(d) "Museum" means the Ontario Agricultural Museum. R.S.O. 1970, c. 306, s. 1, *amended*.

2. The Minister is responsible for the administration of this Act. *New.*

Administra-
tion of
Act

3.—(1) The Ontario Agricultural Museum is continued.

Museum
continued

(2) The affairs of the Museum are under the control of the Minister and the Minister has all the powers necessary for the purpose of carrying out the objects of the Museum. R.S.O. 1970, c. 306, s. 2, *amended*.

Powers of
Minister

4.—(1) The Ontario Agricultural Museum Advisory Board is continued. R.S.O. 1970, c. 306, s. 4 (1), *amended*.

Board
continued

(2) The Board shall consist of not fewer than five and not more than eleven members appointed by the Lieutenant Governor in Council, of whom at least two shall be members of the public service of Ontario.

Composition
of Board

(3) The Lieutenant Governor in Council shall designate one of the members of the Board as chairman and one of

Chairman
and vice-
chairman

them as vice-chairman of the Board. R.S.O. 1970, c. 306, s. 4 (2, 3).

Remuneration

(4) Members of the Board, other than full-time members of the public service of Ontario, shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. *New.*

Term of appointment

(5) A member of the Board may be appointed for a term not exceeding three years but may be reappointed for one or more further terms.

Quorum

(6) A majority of the members of the Board constitutes a quorum. R.S.O. 1970, c. 306, s. 4 (4, 5).

Duties of Board

5. The object and purpose of the Board is to consider matters relating to the objects of the Museum and to make recommendations thereon to the Minister. R.S.O. 1970, c. 306, s. 5.

Chief executive officer and staff
R.S.O. 1970, c. 386

6.—(1) A chief executive officer of the Museum may be appointed under *The Public Service Act* and such other officers, clerks and servants as are considered necessary from time to time for the proper conduct of the business of the Museum.

Duties of general manager

(2) The chief executive officer shall have the management and administration of the Museum, subject to the supervision and direction of the Minister. R.S.O. 1970, c. 306, s. 3, *amended.*

Objects of Museum

7. The objects of the Museum are,

- (a) to display and illustrate to the public articles or documents relating to or used in agricultural or horticultural pursuits in Ontario;
- (b) to inform and stimulate the interest of the public in matters depicted by the Museum; and
- (c) to receive, acquire by purchase, donation or lease, hold, preserve, maintain, reconstruct, restore and manage things of historical or architectural interest relating to or used in agricultural or horticultural pursuits in Ontario. R.S.O. 1970, c. 306, s. 6, *amended.*

Powers of Minister

8. The Minister is authorized,

- (a) to acquire property, whether by purchase, donation, lease, public subscription, grant, bequest or otherwise;

- (b) to enter into agreements with prospective donors with respect to any conditions governing the use of property;
- (c) to enter into agreements with any person respecting any matter within the objects of the Museum and to pay moneys to such persons pursuant to any such agreement;
- (d) to establish and operate facilities on the lands of the Museum for,
 - (i) the sale of food, beverages, books, artifacts and other wares, and
 - (ii) the parking of vehicles;
- (e) subject to the terms of any trust in connection with such property, to dispose of property by sale, lease, loan or any other manner, and to execute such deeds or other instruments as may be required to effect such disposal;
- (f) to conduct exhibitions, programs and special events on the lands of the Museum; and
- (g) to engage the services of such experts and other persons as are considered expedient. *New.*

9.—(1) Subject to the approval of the Lieutenant Governor ^{Delegation of powers} in Council, the Minister may delegate in writing any power or duty granted to or vested in him under this Act to any officer or officers of the Museum, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation.

(2) Notwithstanding *The Executive Council Act*, contracts ^{Enforcement of contracts} and title documents respecting any matter under the administration or control of the Minister that are entered into by any other person duly authorized to enter into them enure to the benefit of the Crown and may be enforced as if entered into with the Crown. *New.* ^{R.S.O. 1970, c. 153}

10. The fiscal year of the Museum begins on the 1st ^{Fiscal year} day of April in any year and ends on the 31st day of March in the following year. *New.*

11.—(1) Any moneys realized from the sale of property ^{Sale of artifacts} or artifacts under section 8 shall be paid into the Consolidated Revenue Fund and shall be held by the Treasurer of Ontario

R.S.O. 1970, c. 166	in trust for the Museum and section 16 of <i>The Financial Administration Act</i> applies to such moneys.
Use of moneys	(2) Any moneys to which subsection 1 applies may be used by or on behalf of the Museum for the purpose of purchasing such property and artifacts as are consistent with the objects of the Museum. <i>New.</i>
Annual report of Minister	12. —(1) The Minister shall make a report annually upon the affairs of the Museum and shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.
Reports by chief executive officer	(2) The chief executive officer of the Museum shall make such reports to the Minister as the Minister from time to time may require. <i>New.</i>
Audit	13. The accounts and financial transactions of the Museum shall be audited annually by the Provincial Auditor. <i>New.</i>
Regulations	14. —(1) The Lieutenant Governor in Council may make regulations, <ul style="list-style-type: none"> (a) respecting the administration of the Museum; (b) appointing an executive committee of the Board and setting out its powers and duties; (c) regulating the meetings of the Board; (d) regulating and governing the use by the public of the facilities, property and equipment acquired for the purposes of the Museum; (e) requiring the payment of fees for the admission of the public or any class thereof to the Museum, and prescribing the amounts; and (f) respecting any other matters incidental to or necessary for carrying out the objects of the Museum. R.S.O. 1970, c. 306, s. 8 (1), <i>amended.</i>
Penalty	(2) Any person who contravenes any provision of the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1970, c. 306, s. 8 (2), <i>amended.</i>
Moneys	15. The moneys required for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 306, s. 9.

16. *The Ontario Agricultural Museum Act*, being chapter 306 of the Revised Statutes of Ontario, 1970, is repealed. ^{Repeal}

17. This Act comes into force on the day it receives ^{Commence-}
Royal Assent. ^{ment}

18. This Act may be cited as *The Ontario Agricultural* ^{Short title}
Museum Act, 1975.

The Ontario Agricultural
Museum Act, 1975

1st Reading

June 17th, 1975

2nd Reading

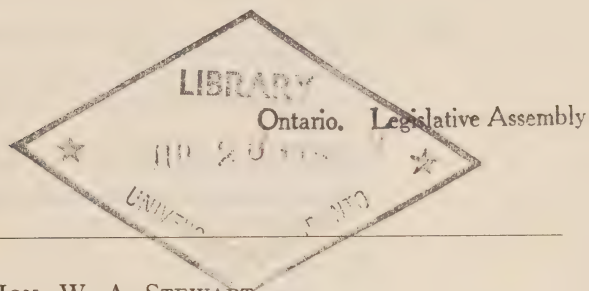
3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

The Ontario Agricultural Museum Act, 1975



THE HON. W. A. STEWART
Minister of Agriculture and Food

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill updates and revises *The Ontario Agricultural Museum Act*.

Some of the features of the Bill are as follows:

1. The Ontario Agricultural Museum Advisory Board is continued.
2. Provision is made for the appointment of a chief executive officer of the Museum and his staff.
3. The objects of the Museum are enlarged.
4. The powers of the Minister are set out in greater detail.
5. Provision is made for the deposit and use of moneys realized from the sale of property of the Museum.
6. Provision is made for the making and tabling of an annual report on the affairs of the Museum and for an annual audit by the Provincial Auditor of the accounts of the Museum.

BILL 116

1975

The Ontario Agricultural Museum Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Ontario Agricultural Museum Advisory Board;
- (b) "donation" includes any gift, testamentary disposition, deed of trust or other form of contribution;
- (c) "Minister" means the Minister of Agriculture and Food;
- (d) "Museum" means the Ontario Agricultural Museum. R.S.O. 1970, c. 306, s. 1, *amended*.

2. The Minister is responsible for the administration of this Act. *New.*

Administra-
tion of
Act

3.—(1) The Ontario Agricultural Museum is continued.

Museum
continued

(2) The affairs of the Museum are under the control of the Minister and the Minister has all the powers necessary for the purpose of carrying out the objects of the Museum. R.S.O. 1970, c. 306, s. 2, *amended*.

Powers of
Minister

4.—(1) The Ontario Agricultural Museum Advisory Board is continued. R.S.O. 1970, c. 306, s. 4 (1), *amended*.

Board
continued

(2) The Board shall consist of not fewer than five and not more than eleven members appointed by the Lieutenant Governor in Council, of whom at least two shall be members of the public service of Ontario.

Composition
of Board

(3) The Lieutenant Governor in Council shall designate one of the members of the Board as chairman and one of

Chairman
and vice-
chairman

them as vice-chairman of the Board. R.S.O. 1970, c. 306, s. 4 (2, 3).

Remunera-
tion

(4) Members of the Board, other than full-time members of the public service of Ontario, shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. *New.*

Term of
appointment

(5) A member of the Board may be appointed for a term not exceeding three years but may be reappointed for one or more further terms.

Quorum

(6) A majority of the members of the Board constitutes a quorum. R.S.O. 1970, c. 306, s. 4 (4, 5).

Duties
of Board

5. The object and purpose of the Board is to consider matters relating to the objects of the Museum and to make recommendations thereon to the Minister. R.S.O. 1970, c. 306, s. 5.

Chief
executive
officer
and staff
R.S.O. 1970,
c. 386

6.—(1) A chief executive officer of the Museum may be appointed under *The Public Service Act* and such other officers, clerks and servants as are considered necessary from time to time for the proper conduct of the business of the Museum.

Duties of
chief
executive
officer

(2) The chief executive officer shall have the management and administration of the Museum, subject to the supervision and direction of the Minister. R.S.O. 1970, c. 306, s. 3, *amended.*

Objects of
Museum

7. The objects of the Museum are,

- (a) to display and illustrate to the public articles or documents relating to or used in agricultural or horticultural pursuits in Ontario;
- (b) to inform and stimulate the interest of the public in matters depicted by the Museum; and
- (c) to receive, acquire by purchase, donation or lease, hold, preserve, maintain, reconstruct, restore and manage things of historical or architectural interest relating to or used in agricultural or horticultural pursuits in Ontario. R.S.O. 1970, c. 306, s. 6, *amended.*

Powers of
Minister

8. The Minister is authorized,

- (a) to acquire property, whether by purchase, donation, lease, public subscription, grant, bequest or otherwise;

- (b) to enter into agreements with prospective donors with respect to any conditions governing the use of property;
- (c) to enter into agreements with any person respecting any matter within the objects of the Museum and to pay moneys to such persons pursuant to any such agreement;
- (d) to establish and operate facilities on the lands of the Museum for,
 - (i) the sale of food, beverages, books, artifacts and other wares, and
 - (ii) the parking of vehicles;
- (e) subject to the terms of any trust in connection with such property, to dispose of property by sale, lease, loan or any other manner, and to execute such deeds or other instruments as may be required to effect such disposal;
- (f) to conduct exhibitions, programs and special events on the lands of the Museum; and
- (g) to engage the services of such experts and other persons as are considered expedient. *New.*

9.—(1) Subject to the approval of the Lieutenant Governor ^{Delegation of powers} in Council, the Minister may delegate in writing any power or duty granted to or vested in him under this Act to any officer or officers of the Museum, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation.

(2) Notwithstanding *The Executive Council Act*, contracts ^{Enforcement of contracts R.S.O. 1970, c. 153} and title documents respecting any matter under the administration or control of the Minister that are entered into by any other person duly authorized to enter into them enure to the benefit of the Crown and may be enforced as if entered into with the Crown. *New.*

10. The fiscal year of the Museum begins on the 1st ^{Fiscal year} day of April in any year and ends on the 31st day of March in the following year. *New.*

11.—(1) Any moneys realized from the sale of property ^{Sale of artifacts} or artifacts under section 8 shall be paid into the Consolidated Revenue Fund and shall be held by the Treasurer of Ontario

R.S.O. 1970,
c. 166

in trust for the Museum and section 16 of *The Financial Administration Act* applies to such moneys.

Use of
moneys

(2) Any moneys to which subsection 1 applies may be used by or on behalf of the Museum for the purpose of purchasing such property and artifacts as are consistent with the objects of the Museum. *New.*

Annual
report of
Minister

12.—(1) The Minister shall make a report annually upon the affairs of the Museum and shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Reports by
chief
executive
officer

(2) The chief executive officer of the Museum shall make a report annually to the Minister and such other reports as the Minister from time to time may require. *New.*

Audit

13. The accounts and financial transactions of the Museum shall be audited annually by the Provincial Auditor. *New.*

Regulations

14.—(1) The Lieutenant Governor in Council may make regulations,

- (a) respecting the administration of the Museum;
 - (b) appointing an executive committee of the Board and setting out its powers and duties;
 - (c) regulating the meetings of the Board;
 - (d) regulating and governing the use by the public of the facilities, property and equipment acquired for the purposes of the Museum;
 - (e) requiring the payment of fees for the admission of the public or any class thereof to the Museum, and prescribing the amounts; and
 - (f) respecting any other matters incidental to or necessary for carrying out the objects of the Museum.
- R.S.O. 1970, c. 306, s. 8 (1), *amended.*

Penalty

(2) Any person who contravenes any provision of the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1970, c. 306, s. 8 (2), *amended.*

Moneys

15. The moneys required for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 306, s. 9.

16. *The Ontario Agricultural Museum Act*, being chapter 306 of the Revised Statutes of Ontario, 1970, is repealed. ^{Repeal}

17. This Act comes into force on the day it receives ^{Commence-}
Royal Assent. ^{ment}

18. This Act may be cited as *The Ontario Agricultural* ^{Short title}
Museum Act, 1975.

The Ontario Agricultural
Museum Act, 1975

1st Reading

June 17th, 1975

2nd Reading

July 4th, 1975

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

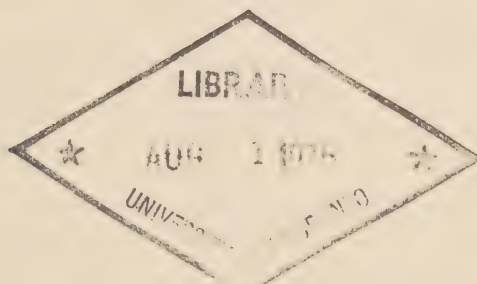
*(Reprinted as amended by the
Committee of the Whole House)*

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

The Ontario Agricultural Museum Act, 1975

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 116

1975

The Ontario Agricultural Museum Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Ontario Agricultural Museum Advisory Board;
- (b) "donation" includes any gift, testamentary disposition, deed of trust or other form of contribution;
- (c) "Minister" means the Minister of Agriculture and Food;
- (d) "Museum" means the Ontario Agricultural Museum. R.S.O. 1970, c. 306, s. 1, *amended*.

2. The Minister is responsible for the administration of this Act. *New*.

Administra-
tion of
Act

3.—(1) The Ontario Agricultural Museum is continued.

Museum
continued

(2) The affairs of the Museum are under the control of the Minister and the Minister has all the powers necessary for the purpose of carrying out the objects of the Museum. R.S.O. 1970, c. 306, s. 2, *amended*.

Powers of
Minister

4.—(1) The Ontario Agricultural Museum Advisory Board is continued. R.S.O. 1970, c. 306, s. 4 (1), *amended*.

Board
continued

(2) The Board shall consist of not fewer than five and not more than eleven members appointed by the Lieutenant Governor in Council, of whom at least two shall be members of the public service of Ontario.

Composition
of Board

(3) The Lieutenant Governor in Council shall designate one of the members of the Board as chairman and one of

Chairman
and vice-
chairman

them as vice-chairman of the Board. R.S.O. 1970, c. 306, s. 4 (2, 3).

Remuneration

(4) Members of the Board, other than full-time members of the public service of Ontario, shall receive such remuneration and expenses as the Lieutenant Governor in Council determines. *New.*

Term of appointment

(5) A member of the Board may be appointed for a term not exceeding three years but may be reappointed for one or more further terms.

Quorum

(6) A majority of the members of the Board constitutes a quorum. R.S.O. 1970, c. 306, s. 4 (4, 5).

Duties of Board

5. The object and purpose of the Board is to consider matters relating to the objects of the Museum and to make recommendations thereon to the Minister. R.S.O. 1970, c. 306, s. 5.

Chief executive officer and staff
R.S.O. 1970, c. 386

6.—(1) A chief executive officer of the Museum may be appointed under *The Public Service Act* and such other officers, clerks and servants as are considered necessary from time to time for the proper conduct of the business of the Museum.

Duties of chief executive officer

(2) The chief executive officer shall have the management and administration of the Museum, subject to the supervision and direction of the Minister. R.S.O. 1970, c. 306, s. 3, *amended.*

Objects of Museum

7. The objects of the Museum are,

- (a) to display and illustrate to the public articles or documents relating to or used in agricultural or horticultural pursuits in Ontario;
- (b) to inform and stimulate the interest of the public in matters depicted by the Museum; and
- (c) to receive, acquire by purchase, donation or lease, hold, preserve, maintain, reconstruct, restore and manage things of historical or architectural interest relating to or used in agricultural or horticultural pursuits in Ontario. R.S.O. 1970, c. 306, s. 6, *amended.*

Powers of Minister

8. The Minister is authorized,

- (a) to acquire property, whether by purchase, donation, lease, public subscription, grant, bequest or otherwise;

- (b) to enter into agreements with prospective donors with respect to any conditions governing the use of property;
- (c) to enter into agreements with any person respecting any matter within the objects of the Museum and to pay moneys to such persons pursuant to any such agreement;
- (d) to establish and operate facilities on the lands of the Museum for,
 - (i) the sale of food, beverages, books, artifacts and other wares, and
 - (ii) the parking of vehicles;
- (e) subject to the terms of any trust in connection with such property, to dispose of property by sale, lease, loan or any other manner, and to execute such deeds or other instruments as may be required to effect such disposal;
- (f) to conduct exhibitions, programs and special events on the lands of the Museum; and
- (g) to engage the services of such experts and other persons as are considered expedient. *New.*

9.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may delegate in writing any power or duty granted to or vested in him under this Act to any officer or officers of the Museum, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation. *Delegation of powers*

(2) Notwithstanding *The Executive Council Act*, contracts and title documents respecting any matter under the administration or control of the Minister that are entered into by any other person duly authorized to enter into them enure to the benefit of the Crown and may be enforced as if entered into with the Crown. *New.* *Enforcement of contracts R.S.O. 1970, c. 153*

10. The fiscal year of the Museum begins on the 1st day of April in any year and ends on the 31st day of March in the following year. *New.* *Fiscal year*

11.—(1) Any moneys realized from the sale of property or artifacts under section 8 shall be paid into the Consolidated Revenue Fund and shall be held by the Treasurer of Ontario *Sale of artifacts*

R.S.O. 1970,
c. 166

in trust for the Museum and section 16 of *The Financial Administration Act* applies to such moneys.

Use of
moneys

(2) Any moneys to which subsection 1 applies may be used by or on behalf of the Museum for the purpose of purchasing such property and artifacts as are consistent with the objects of the Museum. *New.*

Annual
report of
Minister

12.—(1) The Minister shall make a report annually upon the affairs of the Museum and shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Reports by
chief
executive
officer

(2) The chief executive officer of the Museum shall make a report annually to the Minister and such other reports as the Minister from time to time may require. *New.*

Audit

13. The accounts and financial transactions of the Museum shall be audited annually by the Provincial Auditor. *New.*

Regulations

14.—(1) The Lieutenant Governor in Council may make regulations,

- (a) respecting the administration of the Museum;
 - (b) appointing an executive committee of the Board and setting out its powers and duties;
 - (c) regulating the meetings of the Board;
 - (d) regulating and governing the use by the public of the facilities, property and equipment acquired for the purposes of the Museum;
 - (e) requiring the payment of fees for the admission of the public or any class thereof to the Museum, and prescribing the amounts; and
 - (f) respecting any other matters incidental to or necessary for carrying out the objects of the Museum.
- R.S.O. 1970, c. 306, s. 8 (1), *amended.*

Penalty

(2) Any person who contravenes any provision of the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1970, c. 306, s. 8 (2), *amended.*

Moneys

15. The moneys required for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 306, s. 9.

16. *The Ontario Agricultural Museum Act*, being chapter 306 of the Revised Statutes of Ontario, 1970, is repealed. ^{Repeal}

17. This Act comes into force on the day it receives ^{Commence-}
Royal Assent. _{ment}

18. This Act may be cited as *The Ontario Agricultural* ^{Short title}
Museum Act, 1975.

The Ontario Agricultural
Museum Act, 1975

1st Reading

June 17th, 1975

2nd Reading

July 4th, 1975

3rd Reading

July 4th, 1975

THE HON. W. A. STEWART
Minister of Agriculture and Food

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Government
Publications

BILL 117

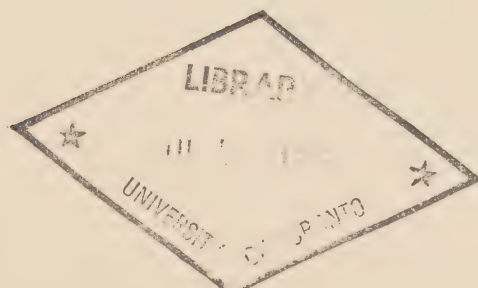
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

The Mineral Emblem Act, 1975

Ontario, Legislative Assembly

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This Bill adopts amethyst as the mineral emblem of Ontario.

BILL 117

1975

The Mineral Emblem Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The mineral known as amethyst is adopted and shall be deemed to be the mineral emblem of the Province of Ontario. Mineral emblem of Ontario
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Mineral Emblem Act*, Short title 1975.

The Mineral Emblem Act, 1975

1st Reading

June 17th, 1975

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(Government Bill)

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Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

The Mineral Emblem Act, 1975

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 117

1975

The Mineral Emblem Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The mineral known as amethyst is adopted as and shall be deemed to be the mineral emblem of the Province of Ontario. Mineral emblem of Ontario
2. This Act comes into force on the day it receives Royal Assent. Commence-ment
3. This Act may be cited as *The Mineral Emblem Act*, Short title 1975.

The Mineral Emblem Act, 1975

1st Reading

June 17th, 1975

2nd Reading

July 7th, 1975

3rd Reading

July 7th, 1975

THE HON. L. BERNIER
Minister of Natural Resources

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Education Act, 1974

Ontario. Legislative Assembly

THE HON. T. L. WELLS
Minister of Education



EXPLANATORY NOTES

SECTION 1. The amendment provides for the assumption by the Ministry of Education of the secondary school \$100 bursary program transferred from the Ministry of Colleges and Universities.

SECTION 2.—Subsection 1. At present, the decision of the Municipal Board is final and the amendment will permit a petition to Cabinet in respect of a decision of the Ontario Municipal Board on an apportionment appeal.

Subsection 2. Subsection 8*a* is added and will have the effect of limiting the powers of the Ontario Municipal Board to confirm an apportionment or to refer the matter back to the divisional board of education.

Subsection 8*b* provides a limit to the time within which the divisional board shall make a new apportionment in accordance with the Act as ordered by the Municipal Board and prohibits appeals in respect of such apportionment.

BILL 118

1975

An Act to amend The Education Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *q* of subsection 1 of section 8 of *The Education Act, 1974*, ^{s. 8 (1) (q), amended} being chapter 109, is amended by inserting after "scholarships" in the second line "bursaries".

- 2.—(1) Subsection 8 of section 206 of the said Act is amended ^{s. 206 (8), amended} by striking out "whose decision is final" in the sixth line.

- (2) The said section 206 is amended by adding thereto the ^{s. 206, amended} following subsections:

(8*a*) The Ontario Municipal Board shall consider the ^{Powers of} objection and review the apportionment made by the Board ^{of} O.M.B. and the decision of the arbitrators and shall,

- (*a*) confirm the decision of the arbitrators; or
- (*b*) confirm the apportionment made by the board; or
- (*c*) where it determines that the apportionment is incorrect by reason of inaccurate data or mistake or is not made in accordance with this Act or the regulations, as the case may be, order the board to make a new apportionment in accordance with this Act or the regulations.

(8*b*) The board shall, within sixty days after receipt of the ^{Reference back to board to make apportionment} order of the Ontario Municipal Board, make the new apportionment referred to in the order, and such new apportionment is effective for the year in respect of which it is made and no further appeal in relation thereto may be made under this Act.

s. 206 (11),
re-enacted

(3) Subsection 11 of the said section 206 is repealed and the following substituted therefor:

Levy not-
withstanding
appeal

(11) The referral of an objection to the Ontario Municipal Board under this section does not relieve the council of a municipality of its duty to levy and collect the amounts required by the board as apportioned to the municipality under the apportionment that is referred to the Ontario Municipal Board.

Adjustment
where
apportion-
ment
altered by
O.M.B.

(12) Where in respect of any year a municipality in a school division has, under section 208, levied the amounts that were requisitioned by the divisional board and such amounts are altered pursuant to an order of the Ontario Municipal Board, the provisions of subsections 2 and 3 of section 212 shall apply in respect of an overpayment or an underpayment resulting from such alteration.

Application
of section 2

3. Section 2 applies to objections to decisions of arbitrators referred to the Ontario Municipal Board in respect of apportionments for the year 1975 and subsequent years.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Education Amendment Act, 1975*.

Subsection 3. Subsection 11 is added to make it clear that the levy will not be delayed pending an apportionment appeal and subsection 12 provides for the adjustment of the levy as the result of a new apportionment following an appeal.

An Act to amend
The Education Act, 1974

1st Reading

June 19th, 1975

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

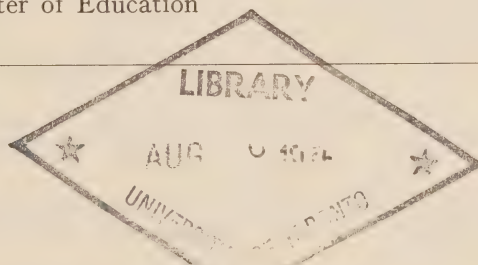
(Government Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Education Act, 1974

THE HON. T. L. WELLS
Minister of Education





(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendment provides for the assumption by the Ministry of Education of the secondary school \$100 bursary program transferred from the Ministry of Colleges and Universities.

 SECTION 2.—Subsection 1. The amendment is to make it clear that moneys receivable from certain payments in lieu of taxes are not to be taken into account in determining the proportion of the amounts to be raised by each municipality. 

BILL 118

1975

An Act to amend The Education Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *q* of subsection 1 of section 8 of *The Education Act, 1974*,^{s. 8 (1) (q), amended} being chapter 109, is amended by inserting after "scholarships" in the second line "bursaries".



- 2.—(1) Section 206 of the said Act is amended by adding thereto^{s. 206, amended} the following subsection:

(8a) In determining the proportion of the amounts to be raised by each municipality, the arbitrators and the Ontario Municipal Board shall not take into account,^{Payments in lieu of taxes not to be taken into account}

(a) payments receivable by a municipality,

(i) from Canada, except payments under section 637 of *The Municipal Act*, or^{R.S.O. 1970, c. 284}

(ii) from Ontario, except payments under section 6 of *The Housing Development Act*,^{R.S.O. 1970, c. 213}

in lieu of taxes in respect of real property in the municipality;

(b) the valuation of any property referred to in clause *a*;

(c) the valuation of properties of a commission as defined in section 35 of *The Assessment Act*,^{R.S.O. 1970, c. 32} assessed in the municipality under such section; and

(d) payments receivable by the municipality under section 35 of *The Assessment Act*.

s. 206 (11),
re-enacted

- (2) Subsection 11 of the said section 206 is repealed and the following substituted therefor:

Levy not-
withstanding
appeal

(11) An application for an arbitration or the referral of an objection to the Ontario Municipal Board under this section does not relieve the council of a municipality of its duty to levy and collect the amounts required by the board as apportioned to the municipality.

Adjustment
where
apportion-
ment
altered by
O.M.B.

(12) Where in respect of any year a municipality in a school division has, under section 208, levied the amounts that were requisitioned by the divisional board and such amounts are altered pursuant to a decision of the arbitrators or to an order of the Ontario Municipal Board, the provisions of subsections 2 and 3 of section 212 shall apply in respect of an overpayment or an underpayment resulting from such alteration.

Application
of s. 2

- 3.—(1) Section 2 applies to objections to decisions of arbitrators referred to the Ontario Municipal Board in respect of apportionments for the year 1975 and subsequent years.

Determina-
tions in
1975
inconsistent
with
s. 206 (8a)
1974, c. 109

- (2) Where the proportion of the amounts to be raised by municipalities for the year 1975 was determined by the arbitrators in a manner inconsistent with subsection 8a of section 206 of *The Education Act, 1974*, such determination is void and the chief executive officer of the divisional board of education concerned shall, within thirty days after the coming into force of this Act, call a meeting as provided and for the purpose set out in subsection 6 of section 206 of *The Education Act, 1974*, and the provisions of that section apply to the determination made as a result of such meeting.


Commence-
ment


4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Education Amendment Act, 1975*.

Subsection 2. Subsection 11 is added to make it clear that the levy will not be delayed pending an apportionment appeal and subsection 12 provides for the adjustment of the levy as the result of a new apportionment following an appeal.

 SECTION 3.—Subsection 1. Section 2 of the Bill is made applicable to apportionments for the year 1975 and subsequent years.

Subsection 2. Determinations made in 1975 that took into account grants in lieu of taxes referred to in the new subsection 8a of section 206 are declared void and new apportionments shall be made in accordance with section 206. 

An Act to amend
The Education Act, 1974

1st Reading

June 19th, 1975

2nd Reading

July 15th, 1975

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(Reprinted as amended by the
Committee of the Whole House)

CA20N

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BILL 118

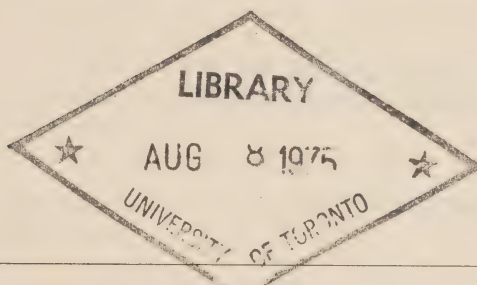
GOVERNMENT

PRINTED BY THE GOVERNMENT OF ONTARIO

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Education Act, 1974



THE HON. T. L. WELLS
Minister of Education

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Education Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *q* of subsection 1 of section 8 of *The Education Act, 1974*, being chapter 109, is amended by inserting after "scholarships" in the second line "bursaries". s. 8 (1) (*q*),
amended

- 2.—(1) Section 206 of the said Act is amended by adding thereto the following subsection: s. 206,
amended

(8a) In determining the proportion of the amounts to be raised by each municipality, the arbitrators and the Ontario Municipal Board shall not take into account, Payments in
lieu of
taxes not
to be
taken
into
account

(a) payments receivable by a municipality,

(i) from Canada, except payments under section 637 of *The Municipal Act*, or

R.S.O. 1970,
c. 284

(ii) from Ontario, except payments under section 6 of *The Housing Development Act*,

R.S.O. 1970,
c. 213

in lieu of taxes in respect of real property in the municipality;

(b) the valuation of any property referred to in clause *a*;

(c) the valuation of properties of a commission as defined in section 35 of *The Assessment Act*, assessed in the municipality under such section; and R.S.O. 1970,
c. 32

(d) payments receivable by the municipality under section 35 of *The Assessment Act*.

s. 206 (11),
re-enacted

- (2) Subsection 11 of the said section 206 is repealed and the following substituted therefor:

Levy not-
withstanding
appeal

(11) An application for an arbitration or the referral of an objection to the Ontario Municipal Board under this section does not relieve the council of a municipality of its duty to levy and collect the amounts required by the board as apportioned to the municipality.

Adjustment
where
apportion-
ment
altered by
O.M.B.

(12) Where in respect of any year a municipality in a school division has, under section 208, levied the amounts that were requisitioned by the divisional board and such amounts are altered pursuant to a decision of the arbitrators or to an order of the Ontario Municipal Board, the provisions of subsections 2 and 3 of section 212 shall apply in respect of an overpayment or an underpayment resulting from such alteration.

Application
of s. 2

- 3.—(1) Section 2 applies to objections to decisions of arbitrators referred to the Ontario Municipal Board in respect of apportionments for the year 1975 and subsequent years.

Determina-
tions in
1975
inconsistent
with
s. 206 (8a)
1974, c. 109

- (2) Where the proportion of the amounts to be raised by municipalities for the year 1975 was determined by the arbitrators in a manner inconsistent with subsection 8a of section 206 of *The Education Act, 1974*, such determination is void and the chief executive officer of the divisional board of education concerned shall, within thirty days after the coming into force of this Act, call a meeting as provided and for the purpose set out in subsection 6 of section 206 of *The Education Act, 1974*, and the provisions of that section apply to the determination made as a result of such meeting.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Education Amendment Act, 1975*.

An Act to amend
The Education Act, 1974

1st Reading

June 19th, 1975

2nd Reading

July 15th, 1975

3rd Reading

July 15th, 1975

THE HON. T. L. WELLS
Minister of Education

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Theatres Act

Ontario. Legislative Assembly

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

The Act now applies to projecting moving pictures from film transparencies of 16 or 35 millimetres. The purpose of the amendments is to extend certain of the controls of the Act to all methods of reproducing moving pictures where exhibited for gain or for public viewing.

SECTION 1.—Subsection 1. The wider definition of film requires a limitation on film required to be censored. This is done by the definition of "exhibit".

Subsection 2. The amendment extends the definition of film to include 8 millimetre film, videotape and any other means of showing moving pictures.

Subsections 3 and 4. The amendments are necessary to recognize the extended meaning for film.

An Act to amend The Theatres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Theatres Act*, being chapter 459 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 56, is further amended by adding thereto the following clause:
 - (ba) “exhibit” when used in respect of film or moving pictures, means to show film for viewing for direct or indirect gain or for viewing by the public and “exhibition” has a corresponding meaning.
- (2) Clause *c* of the said section 1 is repealed and the following substituted therefor:
 - (c) “film” means cinematographic film, videotape and any other medium from which may be produced visual images that may be viewed as moving pictures.
- (3) Clause *e* of the said section 1 is repealed and the following substituted therefor:
 - (e) “film exchange” means the business of renting, leasing, selling or distributing film.
- (4) Clauses *h*, *i* and *j* of the said section 1 are repealed and the following substituted therefor:
 - (h) “projection equipment” or “projector” means the equipment necessary or used for the transducing from a film to moving images, including equipment for accompanying sound;

(i) "projection room" means the room in which projection equipment is located while in use;

(j) "projectionist" means a person who operates projection equipment.

s. 1 (l),
repealed

(5) Clause *l* of the said section 1 is repealed.

s. 1 (n),
re-enacted
s. 1 (o, p),
repealed

(6) Clauses *n*, *o* and *p* of the said section 1 are repealed and the following substituted therefor:

(n) "standard film" means cinematographic film of 35 millimetres or more in width.

s. 4 (2) (f),
re-enacted

2. Clause *f* of subsection 2 of section 4 of the said Act is repealed and the following substituted therefor:

(f) in the performance of his duties to enter any building or premises in which film is exhibited or that is occupied by a film exchange.

s. 38 (1),
re-enacted

3. Subsection 1 of section 38 of the said Act is repealed and the following substituted therefor:

Units for
approval

(1) Every film or class of film submitted to the Board for approval under section 36 shall be in such lengths or units as are prescribed by the regulations and each such length or unit shall be in a container therefor.

Certificate
to
accompany
film

(1a) A certificate signed by the chairman or vice-chairman of the Board shall be issued in respect of the approval of the film in each container and shall accompany the film at all times.

s. 42,
re-enacted

4. Section 42 of the said Act is repealed and the following substituted therefor:

Film
exchange
licence

42. No person shall carry on the business of a film exchange without a licence therefor from the Director.

s. 55 (1),
re-enacted

5. Subsection 1 of section 55 of the said Act is repealed and the following substituted therefor:

Licence
to operate
projector

(1) No person shall operate a projector designed for the use of film other than 35 millimetre cinematographic film for hire or gain without a licence therefor from the Director.

s. 58,
re-enacted

6. Section 58 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 82, is repealed and the following substituted therefor:

Subsection 5. The clause repealed defines “reel” and is redundant due to the amendment to section 38 of the Act contained in section 2 of this Bill.

Subsection 6. The term “standard film” is preserved for the traditional cinematographic film for the purpose of the application of certain provisions of the Act, notably section 10, requiring licensing and standards only for theatres showing this type of film.

SECTION 2. The amendment permits inspection of places showing film, in its extended meaning.

SECTION 3. The amendment is necessary to recognize the enlarged meaning for film.

SECTION 4. The licensing of 16 millimetre film exchanges is extended to all exchanges for the extended definition of film.

SECTION 5. The amendment is necessary to recognize the enlarged meaning for film and 35 millimetre photographic film is excepted because the controls respecting projectionists for standard film in theatres are in sections 26 to 35 of the Act.

SECTION 6. The amendment increases the general penalty from a minimum of \$50 and a maximum of \$500 to the amounts set out.

SECTION 7. The provision deleted authorizes regulations to be made requiring prescribed proportions of films shown to be of British manufacture. The amendment authorizes the same regulation for quotas of Canadian films.

SECTION 8. Complementary to section 2 of this Bill.

58.—(1) Every person who,

Offence

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) knowingly fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under ^{Corporations} subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

7. Paragraph 11 of subsection 1 of section 60 of the said Act is ^{s. 60 (1),} repealed and the following substituted therefor: ^{par. 11,} ^{re-enacted}

11. requiring any proportion of films available for distribution to exhibitors or of films exhibited in theatres or any class thereof to be of Canadian manufacture and origin and fixing such proportion on a monthly or yearly basis.

8. Subsection 1 of section 60 of the said Act, as amended by ^{s. 60 (1),} the Statutes of Ontario, 1971, chapter 50, section 82, is ^{amended} further amended by adding thereto the following paragraph:

22a. prescribing the lengths or units in which film or any class of film shall be submitted to the Board for approval under section 36.

9. This Act comes into force on a day to be named by proclamation ^{Commence-} of the Lieutenant Governor. ^{ment}

10. This Act may be cited as *The Theatres Amendment Act, 1975*. ^{Short title}

BILL 119

An Act to amend The Theatres Act

1st Reading

June 19th, 1975

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Theatres Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Theatres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Theatres Act*, being chapter 459 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 56, is further amended by adding thereto the following clause:

(ba) “exhibit” when used in respect of film or moving pictures, means to show film for viewing for direct or indirect gain or for viewing by the public and “exhibition” has a corresponding meaning.

- (2) Clause *c* of the said section 1 is repealed and the following substituted therefor:

(c) “film” means cinematographic film, videotape and any other medium from which may be produced visual images that may be viewed as moving pictures.

- (3) Clause *e* of the said section 1 is repealed and the following substituted therefor:

(e) “film exchange” means the business of renting, leasing, selling or distributing film.

- (4) Clauses *h*, *i* and *j* of the said section 1 are repealed and the following substituted therefor:

(h) “projection equipment” or “projector” means the equipment necessary or used for the transducing from a film to moving images, including equipment for accompanying sound;

(i) "projection room" means the room in which projection equipment is located while in use;

(j) "projectionist" means a person who operates projection equipment.

s. 1 (l),
repealed

(5) Clause *l* of the said section 1 is repealed.

s. 1 (n),
re-enacted
s. 1 (o, p),
repealed

(6) Clauses *n*, *o* and *p* of the said section 1 are repealed and the following substituted therefor:

(n) "standard film" means cinematographic film of 35 millimetres or more in width.

s. 4 (2) (f),
re-enacted

2. Clause *f* of subsection 2 of section 4 of the said Act is repealed and the following substituted therefor:

(f) in the performance of his duties to enter any building or premises in which film is exhibited or that is occupied by a film exchange.

s. 38 (1),
re-enacted

3. Subsection 1 of section 38 of the said Act is repealed and the following substituted therefor:

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approval

(1) Every film or class of film submitted to the Board for approval under section 36 shall be in such lengths or units as are prescribed by the regulations and each such length or unit shall be in a container therefor.

Certificate
to
accompany
film

(1a) A certificate signed by the chairman or vice-chairman of the Board shall be issued in respect of the approval of the film in each container and shall accompany the film at all times.

s. 42,
re-enacted

4. Section 42 of the said Act is repealed and the following substituted therefor:

Film
exchange
licence

42. No person shall carry on the business of a film exchange without a licence therefor from the Director.

s. 55 (1),
re-enacted

5. Subsection 1 of section 55 of the said Act is repealed and the following substituted therefor:

Licence
to operate
projector

(1) No person shall operate a projector designed for the use of film other than 35 millimetre cinematographic film for hire or gain without a licence therefor from the Director.

s. 58,
re-enacted

6. Section 58 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 82, is repealed and the following substituted therefor:

58.—(1) Every person who,

Offence

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations;
- (b) knowingly fails to comply with any order, direction or other requirement made under this Act; or
- (c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporations

7. Paragraph 11 of subsection 1 of section 60 of the said Act is <sup>s. 60 (1),
par. 11,
re-enacted</sup> repealed and the following substituted therefor:

11. requiring any proportion of films available for distribution to exhibitors or of films exhibited in theatres or any class thereof to be of Canadian manufacture and origin and fixing such proportion on a monthly or yearly basis.

8. Subsection 1 of section 60 of the said Act, as amended by <sup>s. 60 (1),
amended</sup> the Statutes of Ontario, 1971, chapter 50, section 82, is further amended by adding thereto the following paragraph:

22a. prescribing the lengths or units in which film or any class of film shall be submitted to the Board for approval under section 36.

9. This Act comes into force on a day to be named by proclamation <sup>Commence-
ment</sup> of the Lieutenant Governor.

10. This Act may be cited as *The Theatres Amendment Act, 1975*. Short title

An Act to amend The Theatres Act

1st Reading

June 19th, 1975

2nd Reading

July 3rd, 1975

3rd Reading

July 3rd, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

CAZON

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-B56

BILL 120

Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act respecting the City of Hamilton

Ontario, Legislative Assembly

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill empowers the City of Hamilton to guarantee a mortgage on a sports arena proposed to be constructed in the city. The guarantee is limited to the sum of \$200,000 per year for a period of ten years.

BILL 120

1975

An Act respecting the City of Hamilton

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to sections 2, 3 and 4, the council of The Corporation of the City of Hamilton may by by-law guarantee, on such terms and conditions as the by-law prescribes, the repayment of a mortgage given by 263714 Management Inc. in respect of a project, being the construction of a multi-purpose ice arena to be located on part of Lot 27, Concession I, formerly in the Township of Saltfleet, now in the City of Hamilton. Guarantee authorized

2. The by-law shall provide that payments under the guarantee by The Corporation of the City of Hamilton are not to exceed the annual sum of \$200,000 for a period not to exceed ten years and may provide for such equity interest by The Corporation of the City of Hamilton in the project or in the company or for such other security as the council considers advisable. Terms of guarantee

3. Where a guarantee is given by The Corporation of the City of Hamilton pursuant to a by-law passed under section 1, the treasurer of the Corporation may from time to time examine and inspect any of the books and records of 263714 Management Inc. during the period of the guarantee. Treasurer may inspect books and records

4. A by-law passed under section 1 does not take effect until approved by the Ontario Municipal Board in accordance with *The Ontario Municipal Board Act*. Approval of O.M.B. R.S.O. 1970, c. 323

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. This Act may be cited as *The City of Hamilton Act*, 1975. Short title

An Act respecting the
City of Hamilton

1st Reading

June 20th, 1975

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

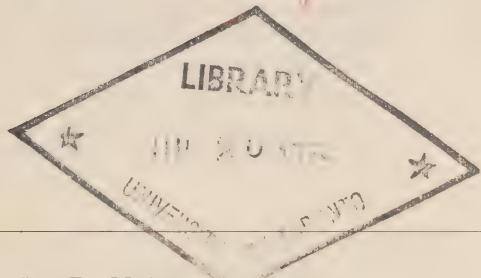
CA20N
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-B 56

BILL 120

Government
Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act respecting the City of Hamilton
Ontario Legislative Assembly



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

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1975

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Guarantee
authorized

2. The by-law shall provide that payments under the guarantee by The Corporation of the City of Hamilton are not to exceed the annual sum of \$200,000 for a period not to exceed ten years and shall provide for such equity interest by The Corporation of the City of Hamilton in the project or in the company or for such other security as the council considers advisable.

Terms of
guarantee

3. Where a guarantee is given by The Corporation of the City of Hamilton pursuant to a by-law passed under section 1, the treasurer of the Corporation shall from time to time examine and inspect the books and records of 263714 Management Inc. during the period of the guarantee.

Treasurer
may
inspect
books
and
records

4. A by-law passed under section 1 does not take effect until approved by the Ontario Municipal Board in accordance with *The Ontario Municipal Board Act*.

Approval of
O.M.B.
R.S.O. 1970,
c. 323

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Commence-
ment

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Short title

An Act respecting the
City of Hamilton

1st Reading

June 20th, 1975

2nd Reading

July 3rd, 1975

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 120

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act respecting the City of Hamilton

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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Guarantee
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Terms of
guarantee

3. Where a guarantee is given by The Corporation of the City of Hamilton pursuant to a by-law passed under section 1, the treasurer of the Corporation shall from time to time examine and inspect the books and records of 263714 Management Inc. during the period of the guarantee.

Treasurer
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records

4. A by-law passed under section 1 does not take effect until approved by the Ontario Municipal Board in accordance with *The Ontario Municipal Board Act*.

Approval of
O.M.B.
R.S.O. 1970,
c. 323

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Commence-
ment

6. This Act may be cited as *The City of Hamilton Act*, 1975.

Short title

BILL 120

An Act respecting the
City of Hamilton

1st Reading

June 20th, 1975

2nd Reading

July 3rd, 1975

3rd Reading

July 3rd, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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Government
Publications

BILL 121

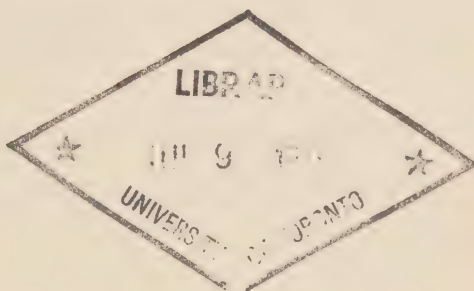
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Labour Relations Act

MR. SAMIS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This amendment:

- (1) reduces the percentage criteria of employees in the bargaining unit being members of the trade union for the purposes of a representation vote from a minimum of 35 per cent to 25 per cent and from a maximum of 65 per cent to 50 per cent and removes the Board's discretion to direct a representation vote where the 50 per cent criteria is exceeded,
- (2) relates the results of the certification after a vote to 50 per cent of the new 25 to 50 per cent range, and
- (3) requires the Board to certify the trade union as the bargaining agent without a representation vote where the trade union satisfies the Board that 50 per cent plus one are members of the trade union.

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 2, 3 and 4 of section 7 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor:
 - (2) If the Board is satisfied that not less than 25 per cent and not more than 50 per cent of the employees in the bargaining unit are members of the trade union, the Board shall direct that a representation vote be taken.
 - (3) If on the taking of a representation vote more than 50 per cent of the ballots cast are in favour of the trade union, the Board shall certify the trade union as the bargaining agent of the employees in the bargaining unit.
 - (4) If the Board is satisfied that 50 per cent, plus 1, of the employees in the bargaining unit are members of the trade union, the Board shall certify the trade union as bargaining agent without taking a representation vote.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Labour Relations Amendment Act, 1975*.

s. 7 (2-4),
re-enacted

Deter-
mination
of members in
bargaining
unit

Certification
after vote

Certification
without vote

Commence-
ment

Short title

BILL 121

An Act to amend
The Labour Relations Act

1st Reading

June 23rd, 1975

2nd Reading

3rd Reading

MR. SAMIS

(Private Member's Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Labour Relations Act

MR. SAMIS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. This amendment deletes the exclusion from "employee" of those exercising managerial functions and in so doing permits this group to join or establish an association or union for collective bargaining purposes.

SECTION 2. This amendment repeals the exclusion from a bargaining unit of security guards and in so doing permits security guards to join or establish an association or union for collective bargaining purposes.

BILL 122

1975

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of subsection 3 of section 1 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(b) who, in the opinion of the Board, is employed in a confidential capacity in matters relating to labour relations.
2. Section 11 of the said Act is repealed.

s. 11,
repealed
3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
4. This Act may be cited as *The Labour Relations Amendment Act, 1975*.

Short title

An Act to amend
The Labour Relations Act

1st Reading

June 23rd, 1975

2nd Reading

3rd Reading

MR. SAMIS

(Private Member's Bill)

CA20N
XB
-B 56

BILL 123

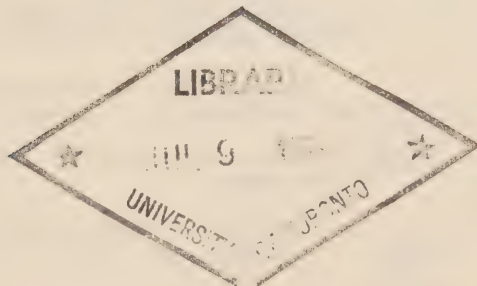
Government
Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Public Health Act

Ontario. Legislative Assembly

THE HON. F. S. MILLER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The definitions of "communicable disease" and "pasteurization" are revised.

SECTION 2. Section 6 of the Act authorizes the making of regulations.

Paragraph 26*a* is complementary to the re-enactment of clause *r* of section 1 by this Bill.

Paragraph 32 is complementary to the re-enactment of clause *a* of section 1 of the Act.

Paragraphs 39*a* and 39*b* are additional to paragraphs 38 and 39 related to food premises.

Paragraphs 39*c* and 39*d* are general provisions in respect of section 6.

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a* and *r* of section 1 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 1 (*a*, *r*),
re-enacted

(*a*) “communicable disease” means smallpox, diphtheria, typhoid fever, rabies, tuberculosis and any other disease designated by the regulations as a communicable disease;

.

(*r*) “pasteurization” means subjecting every particle of milk in such manner as is required by the regulations to a temperature and for a time prescribed by the regulations.

2. Section 6 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 80, section 1 and 1974, chapter 61, section 3, is further amended by adding thereto the following paragraphs: s. 6,
amended

26*a*. prescribing the temperatures and times for the pasteurization of milk; times and
temperatures
for
pasteuri-
zation

.

32. designating diseases as communicable diseases; communi-
cable
diseases

.

39*a*. requiring persons who operate or are employed in premises where food or drink for human consumption is manufactured, processed or handled to comply food premises,
orders for
tests

with directions that may be issued by medical officers of health to undergo such medical or other tests as are necessary to ensure the sanitary handling of food and drink;

food premises,
samples

39b. authorizing medical officers of health or public health inspectors for the purposes of this Act or the regulations to examine and take samples of food or drink, to examine or require the examination of equipment and utensils, to take samples from equipment and utensils for laboratory examination, and to prescribe and test temperatures of food that is being processed, transported, stored, displayed or offered for sale;

exemptions
by medical
officers of
health

39c. authorizing medical officers of health to exempt persons, facilities or things from any provision of a regulation made under this section;

exemptions,
other

39d. exempting any person, premises or class of either of them from any provision of a regulation made under this section.

s. 13 (3),
amended

3. Subsection 3 of section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 61, section 4, is amended by inserting after "year" in the third line "or in a township situate within The Municipality of Metropolitan Toronto".

s. 35,
amended

4. Section 35 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 80, section 2, is further amended by adding thereto the following subsection:

Associate
medical
officer
of health,
temporary
powers

(4a) Where a vacancy occurs in the office of medical officer of health or the medical officer of health is ill or absent from the municipality and an acting medical officer of health is not appointed, an associate medical officer of health during the vacancy or the illness or absence of the medical officer of health has all the powers and may perform all the duties of the medical officer of health.

s. 40 (2),
amended

5. Subsection 2 of section 40 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 61, section 5, is amended by inserting after "health" in the first line "and every associate medical officer of health" and by inserting after "health" in the fourth line "or associate medical officer of health".

s. 44a,
enacted

6. The said Act is amended by adding thereto the following section:

SECTION 3. Subsection 3 of section 13 of the Act provides for the composition of a local board of health in a city having a population of 100,000 or over. The amendment provides for a similar composition for the boroughs (townships) in Metropolitan Toronto.

SECTION 4. Subsection 4 of section 35 of the Act provides that an associate medical officer of health shall act under the direction of the medical officer of health. The amendment provides authority for an associate medical officer of health to act during a vacancy in the office of medical officer of health or during the absence or illness of the medical officer of health.

SECTION 5. Subsection 2 of section 40 of the Act provides for the age of retirement of medical officers of health. The amendment makes the provision applicable to associate medical officers of health.

SECTION 6. See note to section 11.

SECTION 7. See note to section 11.

SECTION 8. See note to section 11.

44*a*. In this section and in sections 44*b* to 44*i*,

Interpre-
tation

- (*a*) “commercial microwave oven” means a microwave oven that is used other than in a private residence;
- (*b*) “Director” means a Director appointed by the Minister for the purposes of sections 44*a* to 44*i*;
- (*c*) “inspector” means an inspector appointed under section 2*a* for the purposes of sections 44*a* to 44*i* or an inspector employed by a local board;
- (*d*) “microwave oven” means any apparatus or device for heating food or material by absorption of electromagnetic radiation in the range of electromagnetic frequencies from 890 megahertz to 6,000 megahertz;
- (*e*) “regulations” means the regulations made under section 44*i*;
- (*f*) “repairer” means a person who repairs microwave ovens for payment or compensation.

7. The said Act is further amended by adding thereto the following section: s. 44*b*,
enacted

44*b*. Every owner of a commercial microwave oven shall register ownership of the oven with the Director before using or causing or permitting the use of the oven. Registration
of
ownership

8. The said Act is further amended by adding thereto the following section: s. 44*c*,
enacted

44*c*.—(1) No person shall work as a repairer of microwave ovens unless he has successfully completed a program of instruction in the repair of microwave ovens approved by the Minister of Colleges and Universities. Repairing
of microwave
ovens

(2) For the purposes of subsection 1, proof of the performance of one act as a repairer on one occasion is sufficient to establish working as a repairer. Proof

(3) Subsection 1 does not apply to a person who works under the supervision of a person who has successfully completed a program referred to in subsection 1 and who is physically present. Exception

(4) Every person to whom subsection 1 applies shall, while working as a repairer, carry with him evidence of qualification Production of
evidence of
qualification

successful completion of the program referred to in subsection 1 and shall produce it when required by an inspector.

ss. 44d-44g,
enacted

9. The said Act is further amended by adding thereto the following sections:

Powers of
inspector

44d.—(1) An inspector may make an oral or written order directed to the person who is the owner or who has the control or supervision of a commercial microwave oven requiring the person to do the things and take the steps within the time or times specified in the order that the inspector, upon reasonable and probable grounds, considers necessary or advisable for the purpose of protecting the health or the safety of any persons in or about the premises where the commercial microwave oven is situated or is intended to be situated.

Idem

(2) Where the power density of the radiation leakage from a commercial microwave oven does not exceed the prohibited power density of radiation leakage but exceeds the permissible power density of radiation leakage prescribed by the regulations and an inspector is of the opinion that it is not safe to use the commercial microwave oven, the inspector may make an order prohibiting the use of the commercial microwave oven until such time as it is repaired to reduce the power density of the radiation leakage below the permissible power density of radiation leakage prescribed by the regulations in respect of the oven.

Effect of
order

44e. Notwithstanding that an appeal is taken against an order of an inspector under section 44d, the order is effective at and from the time it is communicated to the person to whom it is directed until confirmed, altered or rescinded on appeal and the person to whom the order is directed shall comply with the order immediately or within such period of time as may be specified in the order.

Hearings

44f.—(1) Subsections 1, 2, 4, 4a and 5 of section 87a, subsections 2 to 8 of section 87b and section 87c apply *mutatis mutandis* where an order is made under section 44d.

Parties

(2) The inspector, the person to whom the order is made and such other persons as the Health Facilities Appeal Board may specify are parties to the proceedings under subsection 1.

Prohibition

44g.—(1) No person shall use or cause or permit the use of a commercial microwave oven where the person knows that the power density of the radiation leakage from the

SECTION 9. See note to section 11.

SECTION 10. See note to section 11.

SECTION 11. New sections 44*a* to 44*i* of the Act relate to the use and repair of microwave ovens. Provision is made for registration of ownership of commercial microwave ovens. Repairers of microwave ovens are required to have successfully completed an approved program of instruction. Provision is made for inspection and for orders related to the safety of commercial microwave ovens.

oven exceeds the prohibited power density prescribed by the regulations in respect of the oven.

(2) Where the Director has reasonable or probable grounds for belief that a person using a commercial microwave oven has suffered or is likely to suffer physical impairment or injury, he may arrange for the medical examination of the person and may require the owner of the commercial microwave oven to pay for the medical examination.

Authority
of
Director

10. The said Act is further amended by adding thereto the following section: s. 44h,
enacted

44h.—(1) Where a repairer is requested by the person who is the owner of or who has the supervision or control of a microwave oven to examine or to repair the oven, the repairer shall measure the power density of the radiation leakage from the oven and where the power density measured exceeds the permissible power density of radiation leakage prescribed for the oven by the regulations, the repairer shall,

Radiation
level

- (a) inform the person of the power density measured and of the prohibited and permissible power densities prescribed by the regulations in respect of the oven; and
- (b) where the owner or the person who has supervision or control of the oven refuses to have the oven repaired, give notice in writing forthwith to the Director in the form prescribed by the regulations.

(2) A repairer who repairs a microwave oven shall measure the power density of the radiation leakage from the oven after completion of the repair and shall provide the person who is the owner or the person who has the supervision or control of the oven with a certificate in the form prescribed by the regulations stating the power density measured and the prohibited and permissible power densities of radiation leakage prescribed by the regulations in respect of the oven.

Certificate

11. The said Act is further amended by adding thereto the following section: s. 44i,
enacted

44i. The Lieutenant Governor in Council may make Regulations regulations,

- (a) classifying microwave ovens or commercial microwave ovens or both;

- (b) prescribing the prohibited and permissible power densities of radiation leakage for microwave ovens, commercial microwave ovens or any class or classes or either of them for the purposes of sections 44*a* to 44*i*;
- (c) prescribing the form and contents of warning or information devices or stickers and requiring their use on or in association with microwave ovens or commercial microwave ovens or any class of either of them; and
- (d) prescribing forms for the purposes of sections 44*a* to 44*i* and providing for their use.

s. 70 (4),
repealed

12. Subsection 4 of section 70 of the said Act is repealed.

s. 101 (2),
amended

13. Subsection 2 of section 101 of the said Act is amended by striking out "and" in the third line and inserting in lieu thereof "or".

Commence-
ment

14.—(1) This Act, except section 3, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 3 shall be deemed to have come into force on the 3rd day of July, 1974.

Short title

15. This Act may be cited as *The Public Health Amendment Act, 1975*.

SECTION 12. Subsections 1, 2 and 3 of section 70 of the Act set out powers of a medical officer of health in respect of a person who is believed to be a carrier of a communicable disease. Subsection 4 of section 70 provides for the payment of compensation to such a person.

SECTION 13. Section 101 of the Act relates to lodging houses, tenements where rooms are rented and other buildings. Subsection 2 of section 101 authorizes the medical officer of health to order the owner or occupant to remove the inmates from the premises under the conditions set out in the subsection. The amendment separates the condition where "the premises are occupied by more persons than is reasonably safe for the health of the occupants" and "the condition where 600 cubic feet of air space cannot be provided for each occupant".

BILL 123

An Act to amend
The Public Health Act

1st Reading

June 24th, 1975

2nd Reading

3rd Reading

THE HON. F. S. MULLER
Minister of Health

(Government Bill)

CA20N

XB

-B 56

BILL 123

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Public Health Act

THE HON. F. S. MILLER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a* and *r* of section 1 of *The Public Health Act*, being chapter 377 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 1 (*a*, *r*),
re-enacted

(*a*) "communicable disease" means smallpox, diphtheria, typhoid fever, rabies, tuberculosis and any other disease designated by the regulations as a communicable disease;

.

(*r*) "pasteurization" means subjecting every particle of milk in such manner as is required by the regulations to a temperature and for a time prescribed by the regulations.

2. Section 6 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 80, section 1 and 1974, chapter 61, section 3, is further amended by adding thereto the following paragraphs: s. 6,
amended

26a. prescribing the temperatures and times for the pasteurization of milk; times and
temperatures
for
pasteuri-
zation

.

32. designating diseases as communicable diseases; communi-
cable
diseases

.

39a. requiring persons who operate or are employed in premises where food or drink for human consumption is manufactured, processed or handled to comply food premises,
orders for
tests

with directions that may be issued by medical officers of health to undergo such medical or other tests as are necessary to ensure the sanitary handling of food and drink;

food premises,
samples

39b. authorizing medical officers of health or public health inspectors for the purposes of this Act or the regulations to examine and take samples of food or drink, to examine or require the examination of equipment and utensils, to take samples from equipment and utensils for laboratory examination, and to prescribe and test temperatures of food that is being processed, transported, stored, displayed or offered for sale;

exemptions
by medical
officers of
health

39c. authorizing medical officers of health to exempt persons, facilities or things from any provision of a regulation made under this section;

exemptions,
other

39d. exempting any person, premises or class of either of them from any provision of a regulation made under this section.

s. 13 (3),
amended

3. Subsection 3 of section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 61, section 4, is amended by inserting after "year" in the third line "or in a township situate within The Municipality of Metropolitan Toronto".

s. 35,
amended

4. Section 35 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 80, section 2, is further amended by adding thereto the following subsection:

Associate
medical
officer
of health,
temporary
powers

(4a) Where a vacancy occurs in the office of medical officer of health or the medical officer of health is ill or absent from the municipality and an acting medical officer of health is not appointed, an associate medical officer of health during the vacancy or the illness or absence of the medical officer of health has all the powers and may perform all the duties of the medical officer of health.

s. 40 (2),
amended

5. Subsection 2 of section 40 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 61, section 5, is amended by inserting after "health" in the first line "and every associate medical officer of health" and by inserting after "health" in the fourth line "or associate medical officer of health".

s. 44a,
enacted

6. The said Act is amended by adding thereto the following section:

44a. In this section and in sections 44b to 44i,

Interpre-
tation

- (a) “commercial microwave oven” means a microwave oven that is used other than in a private residence;
- (b) “Director” means a Director appointed by the Minister for the purposes of sections 44a to 44i;
- (c) “inspector” means an inspector appointed under section 2a for the purposes of sections 44a to 44i or an inspector employed by a local board;
- (d) “microwave oven” means any apparatus or device for heating food or material by absorption of electromagnetic radiation in the range of electromagnetic frequencies from 890 megahertz to 6,000 megahertz;
- (e) “regulations” means the regulations made under section 44i;
- (f) “repairer” means a person who repairs microwave ovens for payment or compensation.

7. The said Act is further amended by adding thereto the following section: s. 44b,
enacted

44b. Every owner of a commercial microwave oven shall register ownership of the oven with the Director before using or causing or permitting the use of the oven. Registration
of
ownership

8. The said Act is further amended by adding thereto the following section: s. 44c,
enacted

44c.—(1) No person shall work as a repairer of microwave ovens unless he has successfully completed a program of instruction in the repair of microwave ovens approved by the Minister of Colleges and Universities. Repairing
of microwave
ovens

(2) For the purposes of subsection 1, proof of the performance of one act as a repairer on one occasion is sufficient to establish working as a repairer. Proof

(3) Subsection 1 does not apply to a person who works under the supervision of a person who has successfully completed a program referred to in subsection 1 and who is physically present. Exception

(4) Every person to whom subsection 1 applies shall, while working as a repairer, carry with him evidence of Production of
evidence of
qualification

successful completion of the program referred to in subsection 1 and shall produce it when required by an inspector.

ss. 44d-44g,
enacted

9. The said Act is further amended by adding thereto the following sections:

Powers of
inspector

44d.—(1) An inspector may make an oral or written order directed to the person who is the owner or who has the control or supervision of a commercial microwave oven requiring the person to do the things and take the steps within the time or times specified in the order that the inspector, upon reasonable and probable grounds, considers necessary or advisable for the purpose of protecting the health or the safety of any persons in or about the premises where the commercial microwave oven is situated or is intended to be situated.

Idem

(2) Where the power density of the radiation leakage from a commercial microwave oven does not exceed the prohibited power density of radiation leakage but exceeds the permissible power density of radiation leakage prescribed by the regulations and an inspector is of the opinion that it is not safe to use the commercial microwave oven, the inspector may make an order prohibiting the use of the commercial microwave oven until such time as it is repaired to reduce the power density of the radiation leakage below the permissible power density of radiation leakage prescribed by the regulations in respect of the oven.

Effect of
order

44e. Notwithstanding that an appeal is taken against an order of an inspector under section 44d, the order is effective at and from the time it is communicated to the person to whom it is directed until confirmed, altered or rescinded on appeal and the person to whom the order is directed shall comply with the order immediately or within such period of time as may be specified in the order.

Hearings

44f.—(1) Subsections 1, 2, 4, 4a and 5 of section 87a, subsections 2 to 8 of section 87b and section 87c apply *mutatis mutandis* where an order is made under section 44d.

Parties

(2) The inspector, the person to whom the order is made and such other persons as the Health Facilities Appeal Board may specify are parties to the proceedings under subsection 1.

Prohibition

44g.—(1) No person shall use or cause or permit the use of a commercial microwave oven where the person knows that the power density of the radiation leakage from the

oven exceeds the prohibited power density prescribed by the regulations in respect of the oven.

(2) Where the Director has reasonable or probable grounds Authority of Director for belief that a person using a commercial microwave oven has suffered or is likely to suffer physical impairment or injury, he may arrange for the medical examination of the person and may require the owner of the commercial microwave oven to pay for the medical examination.

10. The said Act is further amended by adding thereto the following section: s. 44h, enacted

44h.—(1) Where a repairer is requested by the person Radiation level who is the owner of or who has the supervision or control of a microwave oven to examine or to repair the oven, the repairer shall measure the power density of the radiation leakage from the oven and where the power density measured exceeds the permissible power density of radiation leakage prescribed for the oven by the regulations, the repairer shall,

- (a) inform the person of the power density measured and of the prohibited and permissible power densities prescribed by the regulations in respect of the oven; and
- (b) where the owner or the person who has supervision or control of the oven refuses to have the oven repaired, give notice in writing forthwith to the Director in the form prescribed by the regulations.

(2) A repairer who repairs a microwave oven shall measure Certificate the power density of the radiation leakage from the oven after completion of the repair and shall provide the person who is the owner or the person who has the supervision or control of the oven with a certificate in the form prescribed by the regulations stating the power density measured and the prohibited and permissible power densities of radiation leakage prescribed by the regulations in respect of the oven.

11. The said Act is further amended by adding thereto the following section: s. 44i, enacted

44i. The Lieutenant Governor in Council may make Regulations regulations,

- (a) classifying microwave ovens or commercial microwave ovens or both;

- (b) prescribing the prohibited and permissible power densities of radiation leakage for microwave ovens, commercial microwave ovens or any class or classes or either of them for the purposes of sections 44*a* to 44*i*;
- (c) prescribing the form and contents of warning or information devices or stickers and requiring their use on or in association with microwave ovens or commercial microwave ovens or any class of either of them; and
- (d) prescribing forms for the purposes of sections 44*a* to 44*i* and providing for their use.

s. 70 (4),
repealed

12. Subsection 4 of section 70 of the said Act is repealed.

s. 101 (2),
amended

13. Subsection 2 of section 101 of the said Act is amended by striking out "and" in the third line and inserting in lieu thereof "or".

Commence-
ment

14.—(1) This Act, except section 3, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 3 shall be deemed to have come into force on the 3rd day of July, 1974.

Short title

15. This Act may be cited as *The Public Health Amendment Act, 1975*.

BILL 123

An Act to amend
The Public Health Act

1st Reading

June 24th, 1975

2nd Reading

July 3rd, 1975

3rd Reading

July 3rd, 1975

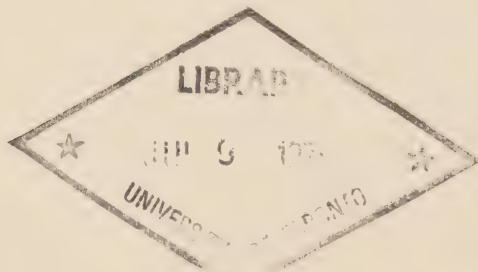
THE HON. F. S. MILLER
Minister of Health

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to repeal
The Health Insurance Registration Board Act**

Ontario. Legislative Assembly

THE HON. F. S. MILLER
Minister of Health



EXPLANATORY NOTE

The function of the Board under this Act is now carried out under
The Health Insurance Act, 1972.

BILL 124

1975

**An Act to repeal
The Health Insurance Registration Board Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Health Insurance Registration Board Act*, being ^{Act repealed} chapter 199 of the Revised Statutes of Ontario, 1970, is repealed.
2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}
3. This Act may be cited as *The Health Insurance* ^{Short title} *Registration Board Repeal Act, 1975*.

An Act to repeal
The Health Insurance
Registration Board Act

1st Reading

June 24th, 1975

2nd Reading

3rd Reading

THE HON. F. S. MILLER
Minister of Health

(Government Bill)

CA20N
XB
-B56

111
BILL 124

Government
Publication

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to repeal
The Health Insurance Registration Board Act**

THE HON. F. S. MILLER
Minister of Health



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 124

1975

**An Act to repeal
The Health Insurance Registration Board Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Health Insurance Registration Board Act*, being ^{Act repealed} chapter 199 of the Revised Statutes of Ontario, 1970, is repealed.
2. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}
3. This Act may be cited as *The Health Insurance* ^{Short title} *Registration Board Repeal Act, 1975*.

An Act to repeal
The Health Insurance
Registration Board Act

1st Reading

June 24th, 1975

2nd Reading

July 3rd, 1975

3rd Reading

July 3rd, 1975

THE HON. F. S. MILLER
Minister of Health

CA20N

XB

-B56

BILL 125

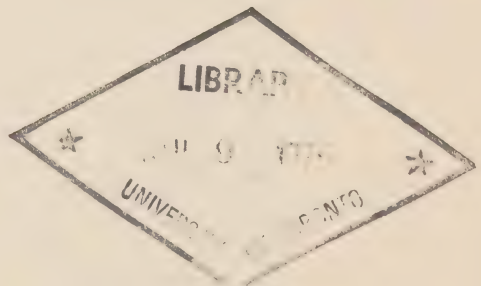
Government
Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to amend
The Health Disciplines Act, 1974**

Ontario. Legislative Assembly

THE HON. F. S. MILLER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

Sections 1 and 5 of the Bill are similar to subsection 2 of section 53 of the Act which refers to the Medical Review Committee.

Section 4 of the Bill prescribes a time period within which employers must report termination of employment of nurses for reasons of alleged professional misconduct, incompetence or incapacity.

Sections 2, 3 and 6 of the Bill provide penalties for the improper use of professional titles.

BILL 125

1975

An Act to amend The Health Disciplines Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Health Disciplines Act, 1974*, being chapter 47, is amended by adding thereto the following subsection: s. 29,
amended

(3) The Council may give the Dentistry Review Committee established under *The Health Insurance Act, 1972*, such other duties as the Council considers appropriate and that are not inconsistent with its duties under that Act. Dentistry
Review
Committee
1972, c. 91

2. Subsection 2 of section 43 of the said Act is repealed and the following substituted therefor: s. 43 (2),
re-enacted

(2) Subject to the provisions of Parts III and V, any person not licensed under this Part who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is licensed or registered under this Part or that he is qualified or recognized by law or otherwise as a dentist, dental surgeon, oral surgeon, orthodontist, pedodontist, periodontist, oral pathologist, endodontist or any other designated specialties in the practice of dentistry, or who assumes, uses or employs the description or the title "dentist", "doctor" or "dental surgeon", or any affix or prefix indicative of such titles or qualifications as an occupational designation relating to the treatment of human ailments or physical defects or advertises or holds himself out as such is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$1,000 and for each subsequent offence to a fine of not more than \$2,000. Idem,
use of
titles

3. Subsection 2 of section 67 of the said Act is repealed and the following substituted therefor: s. 67 (2),
re-enacted

(2) Subject to the provisions of Parts II and V, any person not licensed under this Part who takes or uses any Idem,
use of
titles

name, title, addition or description implying or calculated to lead people to infer that he is licensed or registered under this Part or that he is recognized by law or otherwise as a physician, surgeon, accoucheur or a licentiate in medicine, surgery or midwifery, or who assumes, uses or employs the description or title “doctor”, “surgeon” or “physician” or any affix or prefix indicative of such titles or qualifications as an occupational designation relating to the treatment of human ailments or physical defects, or advertises or holds himself out as such, is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$1,000 and for each subsequent offence to a fine of not more than \$2,000.

s. 87 (b),
amended

4. Clause *b* of section 87 of the said Act is amended by inserting after “College” in the first line “within thirty days”.

s. 100,
amended

5. Section 100 of the said Act is amended by adding thereto the following subsection:

Optometry
Review
Committee
1972, c. 91

(3) The Council may give the Optometry Review Committee established under *The Health Insurance Act, 1972*, such other duties as the Council considers appropriate and that are not inconsistent with its duties under that Act.

s. 114 (2),
re-enacted

6. Subsection 2 of section 114 of the said Act is repealed and the following substituted therefor:

Idem,
use of
titles

(2) Subject to the provisions of Parts II and III, any person not licensed under this Part who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is licensed or registered under this Part or that he is recognized by law or otherwise as an optometrist or who assumes or employs the title or description “doctor” or “optometrist” or any affix or prefix indicative of such titles or qualifications as an occupational designation relating to the treatment of human ailments or physical defects or advertises or holds himself out as such is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$1,000 and for each subsequent offence to a fine of not more than \$2,000.

Commence-
ment

7. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

8. This Act may be cited as *The Health Disciplines Amendment Act, 1975*.

An Act to amend
The Health Disciplines Act, 1974

1st Reading

June 24th, 1975

2nd Reading

3rd Reading

THE HON. F. S. MILLER
Minister of Health

(Government Bill)

CA20N

XB

-B56

BILL 125

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario, Legislative Assembly

**An Act to amend
The Health Disciplines Act, 1974**

THE HON. F. S. MILLER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 125

1975

An Act to amend The Health Disciplines Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Health Disciplines Act, 1974*, being chapter 47, is amended by adding thereto the following subsection: s. 29,
amended

(3) The Council may give the Dentistry Review Committee established under *The Health Insurance Act, 1972*, such other duties as the Council considers appropriate and that are not inconsistent with its duties under that Act. Dentistry
Review
Committee
1972, c. 91

2. Subsection 2 of section 43 of the said Act is repealed and the following substituted therefor: s. 43 (2),
re-enacted

(2) Subject to the provisions of Parts III and V, any person not licensed under this Part who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is licensed or registered under this Part or that he is qualified or recognized by law or otherwise as a dentist, dental surgeon, oral surgeon, orthodontist, pedodontist, periodontist, oral pathologist, endodontist or any other designated specialties in the practice of dentistry, or who assumes, uses or employs the description or the title "dentist", "doctor" or "dental surgeon", or any affix or prefix indicative of such titles or qualifications as an occupational designation relating to the treatment of human ailments or physical defects or advertises or holds himself out as such is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$1,000 and for each subsequent offence to a fine of not more than \$2,000. Idem,
use of
titles

3. Subsection 2 of section 67 of the said Act is repealed and the following substituted therefor: s. 67 (2),
re-enacted

(2) Subject to the provisions of Parts II and V, any person not licensed under this Part who takes or uses any Idem,
use of
titles

name, title, addition or description implying or calculated to lead people to infer that he is licensed or registered under this Part or that he is recognized by law or otherwise as a physician, surgeon, accoucheur or a licentiate in medicine, surgery or midwifery, or who assumes, uses or employs the description or title "doctor", "surgeon" or "physician" or any affix or prefix indicative of such titles or qualifications as an occupational designation relating to the treatment of human ailments or physical defects, or advertises or holds himself out as such, is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$1,000 and for each subsequent offence to a fine of not more than \$2,000.

s. 87 (b),
amended

4. Clause *b* of section 87 of the said Act is amended by inserting after "College" in the first line "within thirty days".

s. 100,
amended

5. Section 100 of the said Act is amended by adding thereto the following subsection:

Optometry
Review
Committee
1972, c. 91

(3) The Council may give the Optometry Review Committee established under *The Health Insurance Act, 1972*, such other duties as the Council considers appropriate and that are not inconsistent with its duties under that Act.

s. 114 (2),
re-enacted

6. Subsection 2 of section 114 of the said Act is repealed and the following substituted therefor:

Idem,
use of
titles

(2) Subject to the provisions of Parts II and III, any person not licensed under this Part who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is licensed or registered under this Part or that he is recognized by law or otherwise as an optometrist or who assumes or employs the title or description "doctor" or "optometrist" or any affix or prefix indicative of such titles or qualifications as an occupational designation relating to the treatment of human ailments or physical defects or advertises or holds himself out as such is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$1,000 and for each subsequent offence to a fine of not more than \$2,000.

Commence-
ment

7. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

8. This Act may be cited as *The Health Disciplines Amendment Act, 1975*.

An Act to amend
The Health Disciplines Act, 1974

1st Reading

June 24th, 1975

2nd Reading

July 3rd, 1975

3rd Reading

July 3rd, 1975

THE HON. F. S. MILLER
Minister of Health

CA20N

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-B56

BILL 126

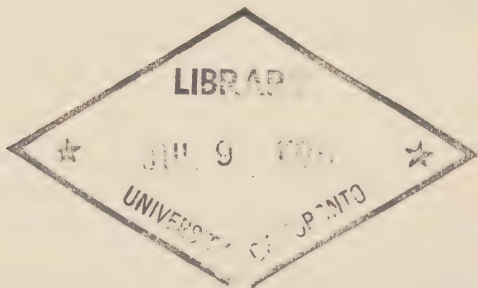
Government
Publications
Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to Provide for the
Protection of Wages in Bankruptcy or Receivership**

MR. SAMIS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

The Bill gives employees priority over all other creditors including the Crown in right of Ontario for all arrears of wages when an employer goes into bankruptcy or receivership and sets up the administrative mechanics to collect the arrears.

SECTION 1. Self-explanatory.

SECTION 2. Provides that an employment standards officer shall ascertain the amounts of all wage arrears when an employer goes into bankruptcy or receivership and shall forward his report to the trustee in bankruptcy and to the Director.

SECTION 3. Provides that the Director shall issue an order to the trustee to pay forthwith to the Director in trust, all arrears of wages. The order shall be delivered by registered mail.

SECTION 4. Provides that employees shall have priority over all other creditors for arrears of wages including the Crown in right of Ontario.

BILL 126

1975

An Act to Provide for the Protection of Wages in Bankruptcy or Receivership

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Director" means a director appointed under *The Employment Standards Act, 1974*; and ^{1974, c. 112}

(b) "employment standards officer" means a person appointed for the purposes of this Act, and includes the Director.

2. Where an employer enters into bankruptcy or receivership and upon a written request from any employee of such employer, an employment standards officer shall,

Employment
standards
officer
shall
submit
report

(a) ascertain the amount or amounts of all wages to which all employees of the employer are entitled; and

(b) forward a report to the trustee in bankruptcy and to the Director setting out the names of all employees and the wages to which each is entitled.

3.—(1) The Director shall issue an order to the trustee to pay forthwith to the Director in trust out of the employer's estate, all wages to which all the employees of the employer are entitled.

Director
shall
issue
order

(2) An order issued by the Director under subsection 1 shall be delivered to the trustee by registered mail.

Delivery
by
registered
mail

4. Notwithstanding the provision of any other Act, the amount of wages set forth in an order issued under section 3 shall have priority to the claims or rights, including those

Priority
of wages

of the Crown in right of Ontario of all secured, preferred, ordinary or general creditors of the employer.

Review of
order

5.—(1) A trustee who has been served with an order under section 3, upon paying the wages ordered to be paid, may, within a period of fifteen days after the date of receiving the order, or such longer period as the Director may for special reasons allow, apply for a review of the order by way of a hearing.

Application
for
review

(2) An application for review shall be made in writing to the Director and shall specify the grounds for the application.

Hearing

(3) The review shall be heard as soon as is practicable by a referee selected by the Director from a panel of referees selected by the Minister of Labour.

Parties

(4) The trustee, the employment standards officer from whose order the application for review is taken and such other persons as the referee may specify are parties to an application for review under this section and on the review the trustee shall be the applicant and the employment standards officer and such other persons specified by the referee, if any, shall be the respondents.

Idem

(5) The referee may specify one or more of the creditors of the employer to represent creditors and the one or more so specified are parties to the review.

Powers of
referee

(6) On a review under this section, the referee may substitute his findings or opinions for those of the employment standards officer who issued the report and may amend, rescind or affirm the order issued by the Director.

Decision
final and
binding

(7) A decision of the referee under this section is final and binding upon the parties thereto and such other parties as the referee may specify.

Appointment
of
employment
standards
officers
R.S.O. 1970,
c. 386

6. Such persons as are considered necessary to enforce this Act may be appointed as employment standards officers under *The Public Service Act*.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Protection of Wages in Bankruptcy or Receivership Act, 1975*.

SECTION 5.—Subsection 1. Provides that a trustee may apply for a review of the order within fifteen days or such longer period as the Director may allow.

Subsections 2 and 3. Self-explanatory.

Subsection 4. States which persons shall be parties to the review.

Subsection 5. Provides that the referee may add creditors as parties to the review.

Subsection 6. Provides that the referee may amend, rescind or affirm the Director's order.

Subsection 7. Provides that the referee's decision is final.

SECTION 6. Provides for the appointment of employment standards officers.

An Act to Provide for the
Protection of Wages in Bankruptcy
or Receivership

1st Reading

June 24th, 1975

2nd Reading

3rd Reading

MR. SAMIS

(Private Member's Bill)

CA20N

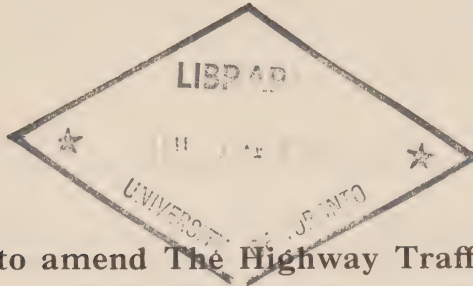
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BILL 127

Government
Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975



An Act to amend The Highway Traffic Act

Ontario. Legislative Assembly
/ //

THE HON. J. R. RHODES
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

All motor vehicles other than school buses are prohibited from bearing the words "school bus". Further changes to section 120 of the Act are to the effect that municipalities are given the authority to designate school bus loading zones within which zones school bus drivers are prohibited from actuating red flashing lights. The driver is also prohibited from stopping the bus for purposes of loading or unloading across from a designated zone. Power is given to the Lieutenant Governor in Council to pass regulations in respect of signs, markings, etc., of the designated zones.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1*b* of section 120 of *The Highway Traffic Act*, ^{s. 120 (1*b*), re-enacted} being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 123, section 29, is repealed and the following substituted therefor:

(1*b*) No motor vehicle, other than a school bus, shall bear ^{Prohibition} the words “do not pass when signals flashing” or the words “school bus”.

- (2) The said section 120, as amended by the Statutes of ^{s. 120, amended} Ontario, 1974, chapter 123, section 29, is further amended by adding thereto the following subsection:

(1*c*) For the purposes of subsection 1*a*, a motor vehicle ^{Interpre-} shall be deemed to be a bus if it is or has in the past been ^{tation} operated under the authority of a permit issued pursuant to section 6 for which a bus fee was paid.

- (3) Subsections 3 and 4 of the said section 120, as re-enacted ^{s. 120 (3, 4), re-enacted} by the Statutes of Ontario, 1974, chapter 123, section 29, are repealed and the following substituted therefor:

(3) Subject to subsection 3*a*, the driver of a school bus on ^{Duty of driver of school bus as to signal-lights} a highway, when he is about to stop the school bus for the purpose of receiving or discharging school children, except at a stopping place where a signal-light traffic control system is in operation, shall actuate the red signal-lights on the school bus and shall continue them in operation while stopped for such purpose and, in the case of a highway that does not have a median strip, until those children who of necessity must cross the highway have completed the crossing.

School
bus
loading
zones

(3a) The council of a municipality in relation to highways under its jurisdiction may by by-law designate school bus loading zones, in accordance with the regulations, to which subsection 3 does not apply.

Signing

(3b) No by-law passed under subsection 3a becomes effective until the highways or portions thereof affected are marked to comply with this Act and the regulations.

Actuating
red
signal-
lights

(4) The driver of a school bus on a highway shall not actuate the red signal-lights on the school bus under any circumstances other than those set out in subsection 3.

School bus
stopping at
designated
loading
zones

(4a) The driver of a school bus on a highway shall not stop the school bus for the purpose of receiving or discharging school children on a highway,

(a) opposite a designated school bus loading zone; or

(b) at a designated school bus loading zone, except as closely as practicable to the right curb or edge of the roadway.

s. 120 (6),
amended

(4) Subsection 6 of the said section 120, as amended by the Statutes of Ontario, 1974, chapter 123, section 29, is further amended by adding thereto the following clause:

(f) respecting the designation of school bus loading zones, the location thereof, the erection of signs and the placing of markings on highways.

Commence-
ment

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3. This Act may be cited as *The Highway Traffic Amendment Act, 1975*.

BILL 127

An Act to amend
The Highway Traffic Act

1st Reading

June 26th, 1975

2nd Reading

3rd Reading

THE HON. J. R. RHODES
Minister of Transportation
and Communications

(Government Bill)

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BILL 127

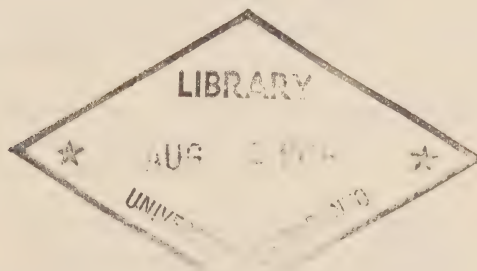
Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Highway Traffic Act

THE HON. J. R. RHODES
Minister of Transportation and Communications



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1*b* of section 120 of *The Highway Traffic Act*, ^{s. 120 (1*b*), re-enacted} being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 123, section 29, is repealed and the following substituted therefor:

(1*b*) No motor vehicle, other than a school bus, shall bear ^{Prohibition} the words “do not pass when signals flashing” or the words “school bus”.

- (2) The said section 120, as amended by the Statutes of ^{s. 120, amended} Ontario, 1974, chapter 123, section 29, is further amended by adding thereto the following subsection:

(1*c*) For the purposes of subsection 1*a*, a motor vehicle ^{Interpre-} shall be deemed to be a bus if it is or has in the past been ^{tation} operated under the authority of a permit issued pursuant to section 6 for which a bus fee was paid.

- (3) Subsections 3 and 4 of the said section 120, as re-enacted ^{s. 120 (3, 4), re-enacted} by the Statutes of Ontario, 1974, chapter 123, section 29, are repealed and the following substituted therefor:

(3) Subject to subsection 3*a*, the driver of a school bus on ^{Duty of driver of school bus as to signal-lights} a highway, when he is about to stop the school bus for the purpose of receiving or discharging school children, except at a stopping place where a signal-light traffic control system is in operation, shall actuate the red signal-lights on the school bus and shall continue them in operation while stopped for such purpose and, in the case of a highway that does not have a median strip, until those children who of necessity must cross the highway have completed the crossing.

School
bus
loading
zones

(3a) The council of a municipality in relation to highways under its jurisdiction may by by-law designate school bus loading zones, in accordance with the regulations, to which subsection 3 does not apply.

Signing

(3b) No by-law passed under subsection 3a becomes effective until the highways or portions thereof affected are marked to comply with this Act and the regulations.

Actuating
red
signal-
lights

(4) The driver of a school bus on a highway shall not actuate the red signal-lights on the school bus under any circumstances other than those set out in subsection 3.

School bus
stopping at
designated
loading
zones

(4a) The driver of a school bus on a highway shall not stop the school bus for the purpose of receiving or discharging school children on a highway,

(a) opposite a designated school bus loading zone; or

(b) at a designated school bus loading zone, except as closely as practicable to the right curb or edge of the roadway.

s. 120 (6),
amended

(4) Subsection 6 of the said section 120, as amended by the Statutes of Ontario, 1974, chapter 123, section 29, is further amended by adding thereto the following clause:

(f) respecting the designation of school bus loading zones, the location thereof, the erection of signs and the placing of markings on highways.

Commence-
ment

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3. This Act may be cited as *The Highway Traffic Amendment Act, 1975*.

An Act to amend
The Highway Traffic Act

1st Reading

June 26th, 1975

2nd Reading

• July 7th, 1975

3rd Reading

July 7th, 1975

THE HON. J. R. RHODES
Minister of Transportation
and Communications

CAZON

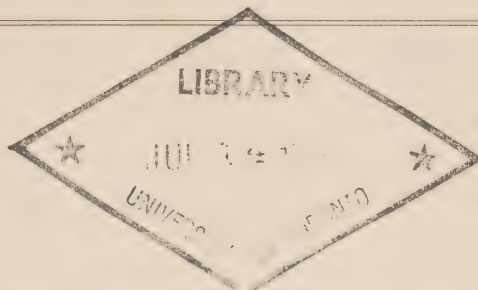
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BILL 128

Government
Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975



An Act to amend The Public Lands Act

Ontario. Legislative Assembly

THE HON. L. BERNIER
Minister of Natural Resources

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The amendment removes a conflict with section 30 of the Act which permits the erection of signs to control or prohibit the use of public lands, including a road under the jurisdiction of the Minister.

SECTION 2. The amended subsection is brought into conformity with amendments to *The Highway Traffic Act*, respecting the issue and validation of permits, assented to on June 28th, 1974.

SECTION 3. Certain letters patent are amended by striking out the habendum therein.

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 51 of *The Public Lands Act*, being chapter 380 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: <sup>s. 51.
re-enacted</sup>

51. Except as otherwise provided in this Act, any person may exercise a public right of passage on a road other than a private forest road. <sup>Public
right of
passage</sup>

2. Subsection 2 of section 56 of the said Act is repealed and the following substituted therefor: <sup>s. 56 (2).
re-enacted</sup>

(2) The Minister may enter into an agreement with a person who occupies a private forest road under the authority of a document issued under this Act or the regulations for opening the private forest road or part thereof to travel by the public generally or by any class or classes of the public as may be agreed upon, and thereupon the private forest road is open to travel by the public generally or by the class or classes of the public agreed upon for such time or times and upon such terms and conditions as are set forth in the agreement, provided that a permit has been issued or validated under *The Highway Traffic Act* or the regulations made thereunder for any vehicle used in such travel. <sup>Agreements
R.S.O. 1970,
c. 202</sup>

3. The letters patent dated the 18th day of August, 1911 granting part of the east half of Lot number 5 in Concession II in the Township of Garson in the Territorial District of Sudbury, containing two acres, be the same more or less and more particularly described therein, to The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie in Ontario, Canada are amended by striking out the habendum, <sup>Letters
patent
amended</sup>

which reads: "To have and to hold unto the said The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie in Ontario, Canada for Church purposes".

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Public Lands Amendment Act, 1975*.

An Act to amend
The Public Lands Act

1st Reading

June 26th, 1975

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

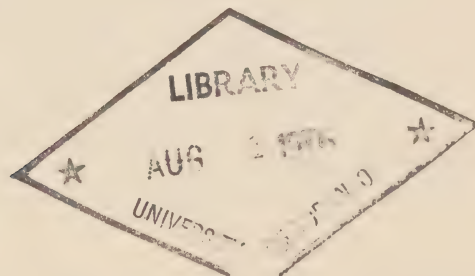
(Government Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly.

An Act to amend The Public Lands Act

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Public Lands Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 51 of *The Public Lands Act*, being chapter 380 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 51,
re-enacted

51. Except as otherwise provided in this Act, any person may exercise a public right of passage on a road other than a private forest road. Public
right of
passage

2. Subsection 2 of section 56 of the said Act is repealed and the following substituted therefor: s. 56 (2),
re-enacted

(2) The Minister may enter into an agreement with a person who occupies a private forest road under the authority of a document issued under this Act or the regulations for opening the private forest road or part thereof to travel by the public generally or by any class or classes of the public as may be agreed upon, and thereupon the private forest road is open to travel by the public generally or by the class or classes of the public agreed upon for such time or times and upon such terms and conditions as are set forth in the agreement, provided that a permit has been issued or validated under *The Highway Traffic Act* or the regulations made thereunder for any vehicle used in such travel. Agreements
R.S.O. 1970,
c. 202

3. The letters patent dated the 18th day of August, 1911 granting part of the east half of Lot number 5 in Concession II in the Township of Garson in the Territorial District of Sudbury, containing two acres, be the same more or less and more particularly described therein, to The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie in Ontario, Canada are amended by striking out the habendum, Letters
patent
amended

which reads: "To have and to hold unto the said The Roman Catholic Episcopal Corporation for the Diocese of Sault Ste. Marie in Ontario, Canada for Church purposes".

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Public Lands Amendment Act, 1975*.

An Act to amend
The Public Lands Act

1st Reading

June 26th, 1975

2nd Reading

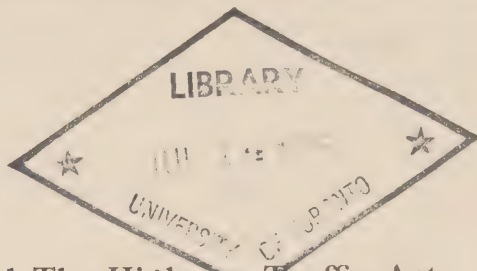
July 7th, 1975

3rd Reading

July 7th, 1975

THE HON. L. BERNIER
Minister of Natural Resources

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975



An Act to amend The Highway Traffic Act

Ontario. Legislative Assembly

THE HON. J. R. RHODES
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The definition of "motor assisted bicycle" is being changed and "motor vehicle", is being redefined to include a motor assisted bicycle. The effect is to treat mopeds in a manner similar to motorcycles in that registration will be required, a licence or driving permit will be required to operate them on the highway and the age limit will be sixteen.

For purposes of section 35 (garage and storage licence) and Part V (equipment), motor assisted bicycles are excluded from the definition of motor vehicle. This does not change the existing law but is necessary as a result of the new definition of motor vehicle.

There is a requirement that a dealer selling new mopeds certify to every purchaser that the moped complies with the definition of a motor assisted bicycle.

There is a restriction to one person only on a moped.

Power is given to municipalities to prohibit mopeds on portions of highways where the maximum speed limit is 50 miles per hour or more.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 15c of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 123, section 1, is repealed and the following substituted therefor:

15c. “motor assisted bicycle” means a bicycle,

- i. fitted with pedals which are operable at all times to propel the bicycle,
 - ii. weighing not more than 120 pounds,
 - iii. which has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel,
 - iv. having an attached motor driven by electricity or having a piston displacement of not more than fifty cubic centimetres, and
 - v. which does not have sufficient power to enable the bicycle to attain a speed greater than thirty miles per hour on level ground within a distance of one mile from a standing start.
- (2) Paragraph 17 of subsection 1 of the said section 1, as re-enacted by the Statutes of Ontario, 1974, chapter 123, section 1, is repealed and the following substituted therefor:
17. “motor vehicle” includes an automobile, motorcycle, motor assisted bicycle unless otherwise in-

licated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act.

s. 1 (1),
par. 35,
amended

- (3) Paragraph 35 of subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 123, section 1, is further amended by striking out "motor assisted bicycle" in the amendment of 1974.

s. 18*a*,
repealed

2. Section 18*a* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 123, section 5, is repealed.

s. 35,
amended

3. Section 35 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 13, is further amended by adding thereto the following subsection:

Interpre-
tation

(8) In this section, "motor vehicle" does not include a motor assisted bicycle.

s. 36*a*,
enacted

4. Part V of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, sections 14 to 17, 19 and 20, 1973, chapter 167, section 8 and 1974, chapter 123, sections 11 to 16, is further amended by adding thereto the following section:

Interpre-
tation

36*a*. In this Part, "motor vehicle" does not include a motor assisted bicycle.

s. 63,
amended

5. Section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 45, section 20, is amended by adding thereto the following subsection:

Sale of
motor
assisted
bicycles

(1*a*) No person who deals in motor assisted bicycles shall sell a new motor assisted bicycle after the date this subsection comes into force unless on the delivery of the vehicle to the purchaser, the seller gives to the purchaser a document in a form approved by the Ministry certifying that the vehicle complies with the definition of a motor assisted bicycle.

s. 82 (1*a*),
repealed

6. Subsection 1*a* of section 82 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 123, section 21, is repealed.

s. 122 (2),
amended

- 7.—(1) Subsection 2 of section 122 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 30,

is further amended by striking out "a motor assisted bicycle or" in the amendment of 1974.

- (2) The said section 122 is amended by adding thereto the following subsection: s. 122, amended

(2a) No person driving a motor assisted bicycle shall carry any other person thereon. Person on motor assisted bicycle

8. Subsection 2 of section 128 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 31, is further amended by inserting after "of" in the second line "motor assisted bicycles". s. 128 (2), amended
9. Subsection 1 of section 139 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 33, is further amended by striking out "or motor assisted bicycle" in the amendment of 1974. s. 139 (1), amended
10. Subsection 2 of section 147 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 34, is further amended by striking out "or motor assisted bicycle" in the amendment of 1974. s. 147 (2), amended
11. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement
12. This Act may be cited as *The Highway Traffic Amendment Act, 1975*. Short title

An Act to amend
The Highway Traffic Act

1st Reading

June 26th, 1975

2nd Reading

3rd Reading

THE HON. J. R. RHODES
Minister of Transportation
and Communications

(Government Bill)

CA20N

XB

-B56

BILL 129

Government
Public
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Highway Traffic Act



THE HON. J. R. RHODES
Minister of Transportation and Communications

(Reprinted as amended by the Committee of the Whole House)

(2nd Reprint—Correction of printing error—s. 12)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The definition of "motor assisted bicycle" is being changed and "motor vehicle" is being redefined to include a motor assisted bicycle. The effect is to treat mopeds in a manner similar to motorcycles in that registration will be required, a licence or driving permit will be required to operate them on the highway and the age limit will be sixteen.

For purposes of section 35 (garage and storage licence) and Part V (equipment), motor assisted bicycles are excluded from the definition of motor vehicle. This does not change the existing law but is necessary as a result of the new definition of motor vehicle.

There is a requirement that a dealer selling new mopeds certify to every purchaser that the moped complies with the definition of a motor assisted bicycle.

There is a restriction to one person only on a moped.

Power is given to municipalities to prohibit mopeds on portions of highways where the maximum speed limit is 50 miles per hour or more.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 15c of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 123, section 1, is repealed and the following substituted therefor:

15c. “motor assisted bicycle” means a bicycle,

- i. fitted with pedals which are operable at all times to propel the bicycle,
- ii. weighing not more than 120 pounds,
- iii. which has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel,
- iv. having an attached motor driven by electricity or having a piston displacement of not more than fifty cubic centimetres, and
- v. which does not have sufficient power to enable the bicycle to attain a speed greater than thirty miles per hour on level ground within a distance of one mile from a standing start.

- (2) Paragraph 17 of subsection 1 of the said section 1, as re-enacted by the Statutes of Ontario, 1974, chapter 123, section 1, is repealed and the following substituted therefor:

17. “motor vehicle” includes an automobile, motor-cycle, motor assisted bicycle unless otherwise in-

licated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act.

- s. 1 (1),
par. 35,
amended
- (3) Paragraph 35 of subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 123, section 1, is further amended by striking out "motor assisted bicycle" in the amendment of 1974.
- s. 18a,
amended
2. Section 18a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 123, section 5, is amended by striking out "fourteen" in the first line and inserting in lieu thereof "sixteen".
- s. 35,
amended
3. Section 35 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 13, is further amended by adding thereto the following subsection:
- Interpre-
tation
- (8) In this section, "motor vehicle" does not include a motor assisted bicycle.
- s. 36a,
enacted
4. Part V of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, sections 14 to 17, 19 and 20, 1973, chapter 167, section 8 and 1974, chapter 123, sections 11 to 16, is further amended by adding thereto the following section:
- Interpre-
tation
- 36a. In this Part, "motor vehicle" does not include a motor assisted bicycle.
- s. 62 (1),
amended
5. Subsection 1 of section 62 of the said Act is amended by inserting after "motorcycle" in the first line "or motor assisted bicycle".
- s. 63,
amended
6. Section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 45, section 20, is amended by adding thereto the following subsection:
- Sale of
motor
assisted
bicycles
- (1a) No person who deals in motor assisted bicycles shall sell a new motor assisted bicycle after the date this subsection comes into force unless on the delivery of the vehicle to the purchaser, the seller gives to the purchaser a document in a form approved by the Ministry certifying that the vehicle complies with the definition of a motor assisted bicycle.

7. Subsection 1a of section 82 of the said Act, as enacted by the <sup>s. 82 (1a),
repealed</sup> Statutes of Ontario, 1974, chapter 123, section 21, is repealed.

8.—(1) Subsection 2 of section 122 of the said Act, as amended <sup>s. 122 (2),
amended</sup> by the Statutes of Ontario, 1974, chapter 123, section 30, is further amended by striking out “a motor assisted bicycle or” in the amendment of 1974.


(2) The said section 122 is amended by adding thereto the <sup>s. 122,
amended</sup> following subsection:


(2a) No person driving a motor assisted bicycle shall <sup>Person on
motor
assisted
bicycle</sup> carry any other person thereon.

9. Subsection 2 of section 128 of the said Act, as amended by <sup>s. 128 (2),
amended</sup> the Statutes of Ontario, 1974, chapter 123, section 31, is further amended by inserting after “of” in the second line “motor assisted bicycles”.

10. Subsection 1 of section 139 of the said Act, as amended by <sup>s. 139 (1),
amended</sup> the Statutes of Ontario, 1974, chapter 123, section 33, is further amended by striking out “or motor assisted bicycle” in the amendment of 1974.

11. Subsection 2 of section 147 of the said Act, as amended by <sup>s. 147 (2),
amended</sup> the Statutes of Ontario, 1974, chapter 123, section 34, is further amended by striking out “or motor assisted bicycle” in the amendment of 1974.

 12.—(1) This Act, except subsections 2 and 3 of section 1, sec- <sup>Commence-
ment</sup> tions 3, 4, 5, 6, 7, 10 and 11, comes into force on the day it receives Royal Assent.

(2) Subsections 2 and 3 of section 1 and sections 3, 4, 5, 6, 7, ^{Idem} 10 and 11 come into force on a day to be named by proclamation of the Lieutenant Governor. 

13. This Act may be cited as *The Highway Traffic Amendment* ^{Short title} *Act, 1975.*

An Act to amend
The Highway Traffic Act

1st Reading

June 26th, 1975

2nd Reading

July 10th, 1975

3rd Reading

THE HON. J. R. RHODES
Minister of Transportation
and Communications

*(Reprinted as amended by the
Committee of the Whole House)
(2nd Reprint—Correction of
printing error—s. 12)*

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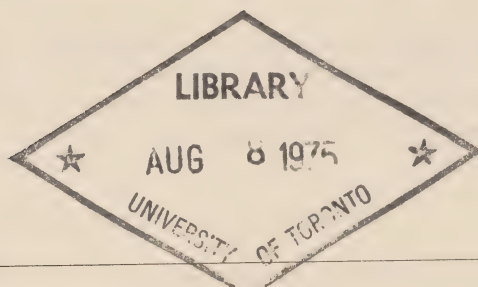
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BILL 129

Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly
/ //

An Act to amend The Highway Traffic Act



THE HON. J. R. RHODES
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend
The Highway Traffic Act

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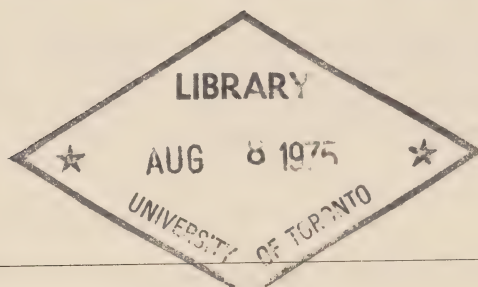
Publications

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5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Highway Traffic Act



THE HON. J. R. RHODES
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 15c of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 123, section 1, is repealed and the following substituted therefor:

15c. "motor assisted bicycle" means a bicycle,

- i. fitted with pedals which are operable at all times to propel the bicycle,
- ii. weighing not more than 120 pounds,
- iii. which has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel,
- iv. having an attached motor driven by electricity or having a piston displacement of not more than fifty cubic centimetres, and
- v. which does not have sufficient power to enable the bicycle to attain a speed greater than thirty miles per hour on level ground within a distance of one mile from a standing start.

- (2) Paragraph 17 of subsection 1 of the said section 1, as re-enacted by the Statutes of Ontario, 1974, chapter 123, section 1, is repealed and the following substituted therefor:

17. "motor vehicle" includes an automobile, motorcycle, motor assisted bicycle unless otherwise in-

licated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act.

s. 1 (1),
par. 35,
amended

- (3) Paragraph 35 of subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1974, chapter 123, section 1, is further amended by striking out "motor assisted bicycle" in the amendment of 1974.

s. 18a,
amended

2. Section 18a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 123, section 5, is amended by striking out "fourteen" in the first line and inserting in lieu thereof "sixteen".

s. 35,
amended

3. Section 35 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 13, is further amended by adding thereto the following subsection:

Interpre-
tation

(8) In this section, "motor vehicle" does not include a motor assisted bicycle.

s. 36a,
enacted

4. Part V of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, sections 14 to 17, 19 and 20, 1973, chapter 167, section 8 and 1974, chapter 123, sections 11 to 16, is further amended by adding thereto the following section:

Interpre-
tation

36a. In this Part, "motor vehicle" does not include a motor assisted bicycle.

s. 62 (1),
amended

5. Subsection 1 of section 62 of the said Act is amended by inserting after "motorcycle" in the first line "or motor assisted bicycle".

s. 63,
amended

6. Section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 45, section 20, is amended by adding thereto the following subsection:

Sale of
motor
assisted
bicycles

(1a) No person who deals in motor assisted bicycles shall sell a new motor assisted bicycle after the date this subsection comes into force unless on the delivery of the vehicle to the purchaser, the seller gives to the purchaser a document in a form approved by the Ministry certifying that the vehicle complies with the definition of a motor assisted bicycle.

7. Subsection 1a of section 82 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 123, section 21, is repealed. ^{s. 82 (1a), repealed}
- 8.—(1) Subsection 2 of section 122 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 30, is further amended by striking out “a motor assisted bicycle or” in the amendment of 1974. ^{s. 122 (2), amended}
- (2) The said section 122 is amended by adding thereto the following subsection: ^{s. 122, amended}
- (2a) No person driving a motor assisted bicycle shall carry any other person thereon. ^{Person on motor assisted bicycle}
9. Subsection 2 of section 128 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 31, is further amended by inserting after “of” in the second line “motor assisted bicycles”. ^{s. 128 (2), amended}
10. Subsection 1 of section 139 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 33, is further amended by striking out “or motor assisted bicycle” in the amendment of 1974. ^{s. 139 (1), amended}
11. Subsection 2 of section 147 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 34, is further amended by striking out “or motor assisted bicycle” in the amendment of 1974. ^{s. 147 (2), amended}
- 12.—(1) This Act, except subsections 2 and 3 of section 1, sections 3, 4, 5, 6, 7, 10 and 11, comes into force on the day it receives Royal Assent. ^{Commencement}
- (2) Subsections 2 and 3 of section 1 and sections 3, 4, 5, 6, 7, 10 and 11 come into force on a day to be named by proclamation of the Lieutenant Governor. ^{Idem}
13. This Act may be cited as *The Highway Traffic Amendment Act, 1975*. ^{Short title}

An Act to amend
The Highway Traffic Act

1st Reading

June 26th, 1975

2nd Reading

July 10th, 1975

3rd Reading

July 10th, 1975

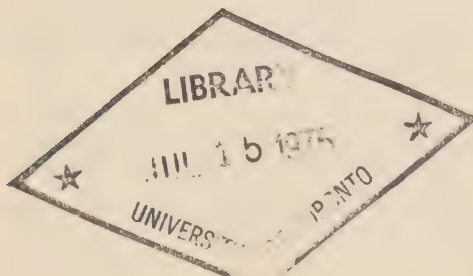
THE HON. J. R. RHODES
Minister of Transportation
and Communications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

The Drainage Act, 1975

Ontario. Legislative Assembly

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill updates and revises *The Drainage Act*. Many of the recommendations of the Select Committee on Land Drainage have been incorporated in the Bill.

Some of the features of the Bill are as follows:

1. The petition requirements have been changed so that a majority of the owners of property in the area requiring drainage or the owners of at least 60 per cent of the acreage in the area requiring drainage represent a valid petition.
2. A drainage works initiated by a requisition can be changed to the petition procedure after receipt of the engineer's preliminary report if the above requirements for a petition can be satisfied at that time.
3. The council of an initiating municipality can request a preliminary engineer's report to evaluate a proposed drainage works before major expense for a detailed engineer's report has been incurred.
4. A conservation authority or the regional office of the Ministry of Natural Resources or a local municipality can request an environmental appraisal of a proposed drainage works.
5. Provision is made for the Minister or a local municipality to obtain a benefit cost statement in respect of a drainage works.
6. Provision is made for the appointment of a municipal drainage superintendent. The drainage superintendent will set out a program for routine maintenance of all drainage systems within the municipality, and will supervise the repair and maintenance of the drainage works. His salary will be paid 50 per cent from provincial grants and 50 per cent from the general funds of the municipality.
7. Maintenance and repair undertaken on the recommendation of the drainage superintendent will be eligible for provincial grants at the same rate as new construction.
8. The Ontario Drainage Tribunal is established to hear appeals on the technical aspects of drainage. This authority was previously vested partly in the referee and partly in a county court judge.
9. The referee will now hear only appeals dealing essentially with questions of law.
10. Various municipal costs for meetings are to be charged to the general funds of the municipality rather than to the costs of drainage works.

The Drainage Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pretation

1. "benefit" means the advantages to any lands, roads, buildings or other structures from the construction, improvement, repair or maintenance of a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface or subsurface water, or any other advantages relating to the betterment of lands, roads, buildings or other structures;
2. "benefit cost statement" means a statement relating the anticipated benefits expressed in dollars to the total estimated cost of the drainage works;
3. "built-up area" means an area of land where,
 - i. not less than 50 per cent of the frontage upon one side of a road for a distance of not less than 600 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or
 - ii. not less than 50 per cent of the frontage upon both sides of a road for a distance of not less than 300 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or
 - iii. not more than 600 feet of a road separates any land described in subparagraph i or ii from any other land described in subparagraph i or ii, or
 - iv. a plan of subdivision has been registered;

R.S.O. 1970,
c. 78

4. "commissioner" means a commissioner appointed by a municipality by by-law;
5. "conservation authority" means a conservation authority established under *The Conservation Authorities Act*;
6. "county" includes a provisional judicial district;
7. "county court" includes a district court;
8. "court of revision" means a court of revision constituted under this Act;
9. "Director" means the Director appointed for the purposes of this Act;
10. "drainage superintendent" means a drainage superintendent appointed by a municipality by by-law;
11. "drainage works" includes a drain constructed by any means, including the improving of a natural watercourse, and includes works necessary to regulate the water table or water level within or on any lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof;
12. "engineer" means an engineer or corporation or partnership registered as a professional engineer under *The Professional Engineers Act*, or a surveyor or a corporation or partnership registered under *The Surveyors Act*;
13. "improvement" means any modification of or addition to a drainage works intended to increase the effectiveness of the system;
14. "initiating municipality" means the local municipality undertaking the construction, improvement, repair or maintenance of a drainage works to which this Act applies;
15. "injuring liability" means the part of the cost of the construction, improvement, maintenance or repair of a drainage works required to relieve the owners of any land or road from liability for injury caused by water artificially made to flow from such land or road upon any other land or road;

R.S.O. 1970,
cc. 366, 452

16. "lateral drain" means a drain that is designed for the drainage of one property and that begins and ends on the same property;
17. "maintenance" means the preservation of a drainage works;
18. "Minister" means the Minister of Agriculture and Food;
19. "outlet liability" means the part of the cost of the construction, improvement or maintenance of a drainage works that is required to provide such outlet or improved outlet;
20. "owner" includes a committee of the estate of a mentally incompetent person or of a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested;
21. "preliminary report" means an engineer's report containing the information specified in section 10;
22. "property" means a parcel of land that by *The R.S.O. 1970, Assessment Act* is required to be separately assessed; c. 32
23. "public utility" means a person having jurisdiction over any water works, gas works, electric heat, light and power works, telegraph and telephone lines, railways however operated, street railways and works for the transmission of gas, oil, water or electrical power or energy, or any similar works supplying the general public with necessities or conveniences;
24. "referee" means the referee appointed under this Act;
25. "repair" means the restoration of a drainage works to its original condition;
26. "report" means an engineer's report containing the information specified in section 8;
27. "road authority" includes any body exercising control over facilities used for the transportation of people or goods;
28. "special benefit" means any additional work or feature included in the construction, repair or improvement of a drainage works that has no effect on the functioning of the drainage works;

29. "sufficient outlet" means a point at which water can be discharged safely so that it will do no damage to lands or roads;
30. "Tribunal" means The Ontario Drainage Tribunal established under this Act. R.S.O. 1970, c. 136, s. 1, *amended*.

MUTUAL AGREEMENT DRAINS

Mutual
agreement
re drainage
works

2.—(1) When two or more owners of land desire to construct or improve a drainage works on any of their lands and are willing to pay the cost thereof, they may enter into a written agreement for the construction, improvement, financing and maintenance of such drainage works, which shall include the following:

1975, c....

1. A reference to *The Drainage Act, 1975*.
2. Descriptions of the lands of the parties to the agreement sufficient for the purposes of registration in the proper land registry office.
3. The estimated cost of the drainage works.
4. A description of the drainage works, including its nature and approximate location.
5. The proportion of the cost of the construction, improvement and maintenance of the drainage works that is to be borne by each of the owners of the lands.
6. The date the agreement was entered into.
7. An affidavit of a subscribing witness to the execution of the agreement by the parties sufficient for the purposes of registration in the proper land registry office.

Filing
of agreement

(2) A copy of the agreement and the plans and schedules, if any, of the proposed drainage works may be filed with the clerk of the local municipality in which the land or any part thereof is situate, and the agreement or an executed copy thereof may be registered in the proper land registry office.

Registered
agreement
binding on
successors

(3) An agreement made under this section shall, upon registration in the proper land registry office of the agreement or an executed copy thereof, be binding upon the heirs, executors, administrators, successors and assigns of each party to the agreement.

(4) The subsequent provisions of this Act do not apply to any drainage works constructed under this section. R.S.O. 1970, c. 136, s. 2, *amended*. Exception

REQUISITION DRAINS

3.—(1) Where it is necessary, for the proper drainage of any lands, that a drainage works should be constructed thereon or constructed thereon and through the land of one or more adjacent owners, the owner of the land requiring or to be benefitted by such drainage may file with the clerk of the local municipality in which the land is situate a requisition in the Form prescribed by the regulations requesting that an engineer be appointed. R.S.O. 1970, c. 136, s. 4 (1), *amended*. Drainage works constructed on requisition

(2) Upon filing the requisition, the owner shall deposit with the clerk of the municipality the sum of \$300 to be used toward defraying the expenses incurred consequent thereon, which sum shall be taken into consideration by the engineer in apportioning costs. R.S.O. 1970, c. 136, s. 4 (2), *amended*. Deposit for expenses

(3) No drainage works, the total estimated cost of which will exceed \$7,500, shall be constructed under this section. R.S.O. 1970, c. 136 s. 4 (3), *amended*. Limit of cost

(4) For the purposes of calculating the total estimated cost in subsection 3, the cost of crossing lands occupied by the works of a public utility or road authority shall not be included. *New*. Cost not included

(5) Only lands lying within 2,500 feet from the sides of the drainage works and land lying within 2,500 feet from the upstream point of commencement of the drainage works may be assessed under this section. R.S.O. 1970, c. 136, s. 4 (4), *amended*. Limit of area to be assessed

(6) The council of the local municipality, upon the filing of the requisition, shall, by by-law or resolution, appoint an engineer to make an examination of the area and to make a preliminary report. R.S.O. 1970, c. 136, s. 4 (6) *part*, *amended*. Duty of council

(7) The engineer shall, before making his examination and report, cause the clerk of the local municipality to send to each owner of land and to each public utility that may be affected by such drainage works as set out in the requisition at least seven days written notice in the Form prescribed by the regulations by prepaid mail, addressed to each such owner at his address as shown by the last revised assessment roll, of the date, time and place of an on-site meeting with the engineer to examine the area. R.S.O. 1970, c. 136, s. 4 (6), *part*, *amended*. Notice of examination

Statements (8) The engineer shall file with his preliminary report a benefit cost statement and a statement of the anticipated effects of the drainage works on the local environment.

Engineer to set out requirements (9) The engineer in his preliminary report shall set out the requirements for a petition sufficient to comply with section 4.

Duty of council (10) Upon the filing of the engineer's preliminary report, the council of the local municipality shall cause the clerk to send by prepaid mail to each owner of lands to be affected by the drainage works as set out in the requisition and to the Minister, a notice stating the name or other designation of the drainage works and the date of the council meeting at which the preliminary report will be considered.

Copy of report, etc. (11) A copy of the preliminary report, the benefit cost statement and the statement of the anticipated effect on the local environment must accompany each notice sent under subsection 10.

Duty of clerk (12) Unless the owner who filed the requisition files with the clerk of the local municipality a petition sufficient to comply with section 4 within sixty days of the meeting at which the report was considered, the clerk shall send, by prepaid mail, to such owner, notice that unless the requisition is withdrawn or a petition is filed within thirty days from the date the notice was sent, the council of the local municipality shall instruct the engineer to prepare a report.

Power of council (13) Where a petition sufficient to comply with section 4 is filed within the time limits prescribed by subsection 12, the council of the local municipality shall proceed in the manner prescribed for a petition under section 4.

Duty of council (14) Unless the requisition is withdrawn or a petition is filed with the council of the local municipality within the time limits prescribed by subsection 12, the council by by-law or resolution shall instruct the engineer to prepare a report. *New.*

Idem (15) Notwithstanding any other provision of this Act, upon the filing of the report, unless the requisition is withdrawn, the council of the local municipality shall, subject to any appeal that may be taken, adopt the report and proceed to implement it in accordance with this Act. R.S.O. 1970, c. 136, s. 4 (8), *amended.*

Appeals (16) Upon the filing of a report, an appeal lies therefrom to the same tribunals and as nearly as may be possible in

the same manner and on the same grounds as in the case of a report for the construction of a drainage works commenced by petition under section 4.

(17) Where the requisition is withdrawn or the drainage works is not proceeded with under requisition as a result of an appeal, the owner who filed the requisition is chargeable with and liable to the municipality for the expenses incurred by the municipality in connection with the requisition, and the sum with which such owner is chargeable shall be entered upon the collector's roll for the municipality against the lands of the owner, and shall be collected in the same manner as real property taxes. *New.* Collection of expenses

(18) Every ditch constructed under *The Ditches and Water-courses Act* shall be maintained in accordance with the award of the engineer providing for such maintenance until such ditch is brought under the provisions of this Act by requisition in the manner prescribed by subsection 1 or by petition as set out in section 4. R.S.O. 1970, c. 136, s. 4 (9), *amended.* Existing ditches
R.S.O. 1960,
c. 109

PETITION DRAINS

4.—(1) A petition for the drainage by means of a drainage works of an area described in the petition may be filed with the clerk of the local municipality in which the area is situate by, Petition

- (a) the majority in number of the owners, as shown by the last revised assessment roll of lands in the area, including the owners of any roads in the area;
- (b) the owner or owners, as shown by the last revised assessment roll, of lands in the area representing at least 60 per cent of the acreage in the area;
- (c) where a drainage works is required for a road or part thereof, the engineer or road superintendent appointed under *The Public Transportation and Highway Improvement Act* and having jurisdiction over such road or part; or R.S.O. 1970,
c. 201
- (d) where a drainage works is required for the drainage of lands used for agricultural purposes, the Director.

(2) A petition under subsection 1 shall be in the Form prescribed by the regulations and, where it is filed by an owner or owners under clause *a* or *b* of subsection 1, shall be signed by such owner or owners. Form of petition

Petition
where area
lies on
each side of
boundary
line

(3) Where it is desired to construct a drainage works for the drainage of an area composed of lands or roads lying on each side of a boundary line between two or more local municipalities, the council of any of them may proceed upon a petition as required by this Act in all respects, including the sending of notices, as if such area were entirely within the limits of the municipality.

Person
deemed
owner

(4) Where a person who is the owner of land, but does not appear by the last revised assessment roll of the municipality to be the owner, is a petitioner, he shall be deemed an owner if his ownership is proved to the satisfaction of the clerk, and, if the person who appears by the assessment roll to be the owner is a petitioner, his name shall be disregarded in determining the sufficiency of the petition.

Persons
jointly
assessed

(5) Where two or more persons are jointly assessed for a property, in determining the sufficiency of a petition they shall be deemed to be one owner and only one such person may sign the petition. *New.*

Drainage
works
constructed
on petition

5.—(1) Where a petition in accordance with section 4 has been filed, the council shall forthwith consider the petition and shall, within thirty days after the filing of the petition,

- (a) if it decides not to proceed with the drainage works, give written notice of its decision to each petitioner; or
- (b) if it decides to proceed with the drainage works, give written notice of the petition and of its decision to each petitioner, the clerk of each local municipality that may be affected, the conservation authority that has jurisdiction over any lands in the area or, if no such conservation authority exists, the regional office of the Ministry of Natural Resources.

Appeal
to
Tribunal

(2) Where a petitioner,

- (a) receives notice under clause *a* of subsection 1 of a decision of the council not to proceed with the drainage works; or
- (b) has not, within thirty days after the filing of the petition, received notice of a decision of the council,

the petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area

described in the petition, the Minister may refer the matter to the Tribunal, and the Tribunal may confirm the decision of the council or direct the council to make such decision and to take such action as the council is authorized to take under this Act and as the Tribunal considers proper. *New.*

6.—(1) Upon receipt of a notice from the initiating municipality under subsection 1 of section 5, a local municipality, conservation authority or the regional office of the Ministry of Natural Resources, as the case may be, may send to the council of the initiating municipality within thirty days a notice that an environmental appraisal of the effects of the drainage works on the area is required, and the cost thereof shall be paid by the party who requested it. Notice that environmental appraisal is required

(2) The council of the initiating municipality may obtain an environmental appraisal on its own initiative, the cost of which shall be paid by the municipality from its general funds. Authorization for environmental appraisal

(3) The party requesting the environmental appraisal or the council of the initiating municipality, as the case may be, within forty days of receiving the account therefor, may appeal to the Tribunal, and the Tribunal may confirm or vary the account as it considers proper. *New.* Appeal

7.—(1) The council of any local municipality to which notice was given under subsection 1 of section 5 or the Minister may send to the council of the initiating municipality within thirty days a notice that a benefit cost statement is required and the cost of preparing such statement shall be paid by the party who required it. Benefit cost statement

(2) The council of the initiating municipality may obtain a benefit cost statement on its own initiative, the cost of which shall be paid by the municipality from its general funds. *New.* Idem

8.—(1) Where the council of the initiating municipality has decided to proceed with the drainage works described in a petition, the council shall, by by-law or resolution, appoint an engineer to make an examination of the area requiring drainage as described in the petition and to prepare a report which shall include, Appointment of engineer

- (a) plans, profiles and specifications of the drainage works;
- (b) an estimate of the total cost thereof;
- (c) an assessment of the amount or proportion of the cost of the works to be assessed against every parcel

of land and road for benefit, outlet liability and injuring liability;

(d) allowances, if any, to be paid to the owners of land affected by the drainage works; and

(e) such other matters as are provided for under this Act. R.S.O. 1970, c. 136, s. 3 (1), *part, amended*.

Where
engineer is a
corporation,
etc.

(2) Where the engineer appointed under this Act is a corporation, association or partnership, the appointee shall, within ten days of the date of appointment, notify the council of the name of the individual engineer who will have charge of the project and who will remain in charge until the report is filed and if for any reason the designated engineer ceases to be employed by the appointee, the appointee shall within ten days of such time notify the council of the name of his replacement.

Appeal
or referral
to Tribunal

(3) Where the council fails to appoint an engineer within sixty days after giving notice of its decision to proceed, any petitioner may appeal to the Tribunal or, where the petition was signed by the Director or where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal, and the Tribunal may direct the council to take such action as the council is authorized to take under this Act and as the Tribunal considers proper. *New*.

One report
on two or
more
petitions

(4) The council of the initiating municipality may instruct the engineer to make one report with respect to two or more petitions requiring drainage in two or more adjoining areas that require drainage. R.S.O. 1970, c. 136, s. 7 (1).

Notice

9.—(1) The engineer shall, before making his examination and report, cause the clerk of the local municipality to send at least seven days written notice in the Form prescribed by the regulations to each owner of lands within the area requiring drainage as described in the petition and to each public utility that may be affected by the petition setting out the time and place of an on-site meeting with the engineer to examine the area.

Duty of
engineer

(2) At the on-site meeting, the engineer shall,

(a) determine the area requiring drainage;

(b) determine whether the petition complies with section 4; and

- (c) where he is of opinion that the petition fails to so comply, establish the requirements for a petition to comply with section 4.

(3) Where the engineer is of opinion that the petition ^{Idem} complies with section 4, he shall proceed to prepare his report or a preliminary report, as the case may be.

(4) Where the engineer is of opinion that the petition ^{Report of engineer} does not comply with section 4, he shall so report to the council of the initiating municipality stating wherein the petition is deficient, the amount of his fees and by whom they shall be paid, and the council shall forthwith send a copy of such opinion to each petitioner.

(5) Where, within sixty days of the engineer's reporting ^{Fees to form part of costs} to council under subsection 4, a petition that complies with the requirements of section 4 is filed with the clerk of the council,

- (a) the council shall instruct the engineer to prepare his report, or a preliminary report, as the case may be; and

- (b) the fees mentioned in subsection 4 shall form part of the cost of the drainage works. *New.*

10.—(1) Where the council of the initiating municipality ^{Preliminary report} deems it expedient, it may, or if it has received notice under section 6 that an environmental appraisal is required, it shall instruct the engineer to prepare a preliminary report containing a sketched plan of the drainage works and an estimate of the cost thereof in so far as it is practicable to do so, and which shall include the environmental appraisal, if any, and the benefit cost statement, if any, and the engineer shall forthwith prepare and file such a preliminary report with the council.

(2) Upon the filing of the preliminary report, the council ^{Consideration of report} of the initiating municipality shall cause the clerk to send a copy of the preliminary report and a notice of the date of the council meeting at which the preliminary report will be considered, to,

- (a) every owner of land within the area requiring drainage as determined by the engineer or described in the petition, as the case may be;
- (b) any public utility or road authority that may be affected by the drainage works;

(c) any local municipality, conservation authority or regional office of the Ministry of Natural Resources entitled to notice under section 5; and

(d) the Minister.

Withdrawal
from
petition

(3) At the meeting referred to in subsection 2, the council shall consider the preliminary report and shall give to any person who signed the petition an opportunity to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and to any person present who owns land in the area requiring drainage and has not signed the petition an opportunity to do so.

Cost of
petition and
preliminary
report

(4) If at the end of the meeting the petition does not contain a sufficient number of names to comply with section 4, the original petitioners are chargeable *pro rata* with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and preliminary report, excluding the amount of any grants and the costs of any environmental appraisal or benefit cost statement, and the sum with which each of such petitioners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the person liable and shall be collected in the same manner as real property taxes.

Instruction
to engineer

(5) If at the end of the meeting, the petition contains a sufficient number of names to comply with section 4, the council may instruct the engineer to proceed with the preparation of his report.

Appeal to
Tribunal

(6) Where the council of the initiating municipality fails to instruct the engineer to proceed with the preparation of his report, any petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal and the Tribunal may direct the council to take such action as the council is authorized to take under this Act and as the Tribunal considers proper.

Idem

(7) Where any party mentioned in clause *a*, *b* or *c* of subsection 2 is dissatisfied with the environmental appraisal, an appeal lies to the Tribunal.

Referral to
Tribunal

(8) Where,

(a) lands used for agricultural purposes are included in the area to be drained, the Minister; or

(b) a conservation authority or regional office of the Ministry of Natural Resources reports to the Minister

of Natural Resources that the environmental appraisal is unsatisfactory, the Minister of Natural Resources,

may refer the environmental appraisal to the Tribunal.

(9) An appeal under subsection 7 or a reference under subsection 8 shall be made within forty days after the meeting referred to in subsection 2, and the Tribunal may confirm the environmental appraisal or direct that it be reconsidered in such respects as the Tribunal considers proper. *New.* ^{Powers of Tribunal}

ENGINEER'S REPORT

11. The engineer shall, to the best of his skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to him in connection with any drainage works and make a true report thereon. R.S.O. 1970, c. 136, s. 5. ^{Duties of engineer}

12.—(1) The engineer or any of his assistants when engaged in the performance of their duties during or after the examination of the locality may enter, measure along, ascertain the bearings of any line, plant the stakes that they consider necessary for the performance of the work and take levels on the land of any person. R.S.O. 1970, c. 136, s. 6 (1). ^{Power to enter on lands}

(2) Every person who wilfully interferes with or obstructs the engineer or any of his assistants in the exercise of the powers conferred by this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 136, s. 6 (2), *amended.* ^{Offence, obstruction of engineer}

13.—(1) The engineer in making his survey shall establish sufficient bench marks or permanent levels by which a drainage works may be governed, and shall in his report record the description, location and elevation of every bench mark or permanent level. R.S.O. 1970, c. 136, s. 7 (3). ^{Duties re survey}

(2) Every person who interferes with, removes or destroys any bench mark or permanent level established under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 136, s. 7 (4), *amended.* ^{Offence, interference with bench marks}

14.—(1) Subject to subsection 2, the construction of a drainage works by means of the improvement of a natural watercourse shall not include a covered drainage works, ^{Providing capacity for covered drainage works}

unless the part of the drainage works in which the covered drainage works is included provides capacity for all the surface water from the lands and roads draining naturally towards and into it and for all the waters from all the lands and roads assessed for the drainage works. R.S.O. 1970, c. 136, s. 3 (3), *amended*.

Covered
drainage
works may
be employed

(2) A covered drainage works may be employed in conjunction with an open drain provided that the total capacity of the system is sufficient for the purposes of subsection 1. *New.*

Sufficient
outlet

15. Subject to section 32, every drainage works constructed under this Act shall be continued to a sufficient outlet. R.S.O. 1970, c. 136, s. 4 (5), *amended*.

Report re
disposal
of material
taken from
drainage
works

16. The engineer in his report shall determine in what manner the material taken from any drainage works in the construction, improvement, repair, or maintenance thereof shall be disposed of. R.S.O. 1970, c. 136, s. 8 (1), *amended*.

Bridges and
culverts
on roads

17. The engineer in his report shall provide for the construction, enlargement or other improvement of any bridges or culverts throughout the course of the drainage works rendered necessary by the drainage works crossing any public road or part thereof. R.S.O. 1970, c. 136, s. 8 (2), *amended*.

Construction
of bridges,
etc.

18. Subject to section 33, the engineer in his report shall provide for the construction or the replacement, enlargement or other improvement of bridges, culverts, pumping stations and water gates rendered necessary by the drainage works and he shall include the cost of the construction or the replacement, enlargement or other improvement of such bridges, pumping stations, water gates and culverts, in his assessment for the construction, improvement, maintenance or repair of the drainage works, and they shall, for the purposes of maintenance or repair be deemed part of the drainage works. R.S.O. 1970, c. 136, s. 8 (4, 5), *amended*.

Engineer
may
recommend
abandonment
of drain

19. The engineer in his report may recommend the abandonment of any drain or part thereof that is no longer useful or that is being supplanted by a new drainage works. *New.*

Continuing
drainage
works
beyond
limits
of
municipality

20.—(1) Where it is considered necessary to continue a drainage works beyond the limits of the initiating municipality, the engineer employed by the council of such municipality may continue the drainage works on or along or across any road allowance or other boundary between any two or more municipalities, and from any such road allowance

or other boundary into or through any municipality until he reaches a sufficient outlet.

(2) A drainage works shall not be deemed to be continued into a municipality other than the initiating municipality merely by reason of such drainage works or some part thereof being constructed on a road allowance forming the boundary line between two or more municipalities. R.S.O. 1970, c. 136, s. 10, *amended*. Where drainage works not deemed outside initiating municipality

ASSESSMENTS

21. The engineer in his report shall assess for benefit, outlet liability and injuring liability, and shall insert in an assessment schedule, in separate columns, the sums assessed for each opposite each parcel of land and road liable therefor. R.S.O. 1970, c. 136, s. 15 (1). Engineer to distinguish assessments

22. Lands, roads, buildings, utilities or other structures that are increased in value or are more easily maintained as a result of the construction, improvement, maintenance or repair of a drainage works may be assessed for benefit. *New.* Assessment for benefit

23.—(1) Lands and roads that use a drainage works as an outlet, or for which, when the drainage works is constructed or improved, an improved outlet is provided either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek or watercourse, may be assessed for outlet liability. Outlet liability, lands assessed for

(2) If, from any land or road, water is artificially caused by any means to flow upon and injure any other land or road, the land or road from which the water is caused to flow may be assessed for injuring liability with respect to a drainage works to relieve the injury so caused to such other land or road. Injuring liability, lands assessed for

(3) The assessment for outlet liability and injuring liability provided for in subsections 1 and 2 shall be based upon the volume and rate of flow of the water artificially caused to flow upon the injured land or road or into the drainage works from the lands and roads liable for such assessments. Basis of assessment

(4) The owners of the lands and roads made liable to assessment only under subsection 1 or 2 shall neither count for nor against the petition required by section 4 unless within the area therein described. R.S.O. 1970, c. 136, s. 16. Certain owners not to count for or against petition

24. The engineer may assess for special benefit any lands for which special benefits have been provided by the drainage works. *New.* Assessment for special benefit

Engineer
may
assess a
block, etc.

25.—(1) The council of the local municipality may direct the engineer to assess as a block, a built-up area designated by the council, and the sum assessed therefor may be levied against all the rateable properties in the designated area *pro rata* on the basis of the assessed value of the land and buildings.

Assessment
to be
charged
against
public
roads

(2) Where the engineer makes a block assessment under subsection 1, he shall designate the proportion of the assessment to be charged against the public roads in the designated area. *New.*

Increased
cost,
how borne

26. In addition to all other sums lawfully assessed against the property of a public utility or road authority under this Act, and notwithstanding that the public utility or road authority is not otherwise assessable under this Act, the public utility or road authority shall be assessed for and shall pay all the increase of cost of such drainage works caused by the existence of the works of the public utility or road authority. R.S.O. 1970, c. 136, s. 21 (3), *amended.*

Assessment
where
drainage
works
continued
beyond
limits of
municipality

27. Where a drainage works is continued into or through a municipality other than the initiating municipality under section 20, the engineer may assess, regardless of municipal boundaries, all lands and roads that, in his opinion, should be assessed for benefit, outlet liability or injuring liability, with such proportion of the cost of the drainage works as appears just, and in his report thereon he shall estimate separately the cost of the drainage works within each municipality and upon the road allowances or other boundaries. R.S.O. 1970, c. 136, s. 10 (1), *part, amended.*

Assessing
lands
in
neighbouring
municipality

28. Where any lands or roads in or under the jurisdiction of a local municipality, other than the local municipalities into or through which the drainage works passes, are, in the opinion of the engineer of the initiating or other municipality doing the work or part thereof, benefitted by the drainage works or provided with an improved outlet or relieved from injuring liability, he may assess the cost of the construction, improvement, maintenance or repair of the drainage works in the same manner as is provided in section 27. R.S.O. 1970, c. 136, s. 9, *amended.*

ALLOWANCES AND COMPENSATION

Allowances
for right
of way, etc.

29. The engineer in his report shall estimate and allow in money to the owner of any land that it is necessary to use,

- (a) for the construction or improvement of a drainage works;

- (b) for the disposal of material removed from drainage works;
- (c) as a site for a pumping station to be used in connection with a drainage works; or
- (d) as a means of access to any such pumping station, if, in the opinion of the engineer, such right of way is sufficient for the purposes of the drainage works,

the value of any such land or the damages, if any, thereto. R.S.O. 1970, c. 136, s. 8 (8).

30. The engineer shall determine the amount to be paid to persons entitled thereto for damage, if any, to ornamental trees, lawns, fences, lands and crops occasioned by the disposal of material removed from a drainage works and shall include such sums in his estimates of the cost of the construction, improvement, repair or maintenance of the drainage works. R.S.O. 1970, c. 136, s. 8 (1), *amended*.

Amount
for damage
to ornamental
trees, etc.

31. Where an existing drain that was not constructed on requisition or petition under this Act or any predecessor of this Act is incorporated in whole or in part in a drainage works, the engineer in his report shall estimate and allow in money to the owner of such drain or part the value to the drainage works of such drain or part. R.S.O. 1970, c. 136, s. 8 (7), *amended*.

Allowance
for existing
drains

32. Where, in the opinion of the engineer, the cost of continuing a drainage works to a sufficient outlet or the cost of constructing or improving a drainage works with sufficient capacity to carry off the water will exceed the amount of injury likely to be caused to low-lying lands along the course of or below the termination of the drainage works, instead of continuing the works to such an outlet, or making it of such capacity, he may include in his estimate of cost a sufficient sum to compensate the owners of such low-lying lands for any injuries they may sustain from the drainage works, and in his report he shall determine the amount to be paid to the owners of such low-lying lands in respect of such injuries. R.S.O. 1970, c. 136, s. 8 (9).

Allowance
for damage
due to
insufficient
outlet

33. Where the engineer thinks it expedient to make an allowance for severance to an owner instead of providing for the construction or the replacement, enlargement or other improvement of a bridge, he shall in his report provide for payment to the owner of such amount as appears just by way of allowance for severance. R.S.O. 1970, c. 136, s. 8 (6).

Allowance
for
severance

Prior
assessments
to be
taken
into
consideration

34. In fixing the sum to be assessed upon any land or road, the engineer may take into consideration any prior assessment or allowance on the same land or road for the construction, improvement, maintenance or repair of a drainage works and make such adjustment therefor as appears just, and in his report he shall state the adjustment so made. R.S.O. 1970, c. 136, s. 15 (2), *amended*.

Assessment
may be
shown
in money

35. The assessment upon any land or road for a drainage works shall be shown by the engineer placing in a schedule to his report sums of money opposite the land or road, and, where he considers it advisable, the fractional part of the whole cost to be borne by the land or road. R.S.O. 1970, c. 136, s. 14, *amended*.

Assessment
of affected
land

36. The engineer, in assessing the lands and roads requiring drainage or otherwise liable for assessment under this Act, shall show in his report the approximate number of acres affected by the drainage works in each parcel of land assessed for the drainage works. R.S.O. 1970, c. 136, s. 13.

Engineer
to assess
separately

37. The engineer in his report shall list separately the lands in each municipality that are assessed for a drainage works and shall indicate the assessment for the cost of lateral drains and the assessments of lands that are not agricultural lands. R.S.O. 1970, c. 136, s. 17.

Variation in
assessments
for
maintenance
and repair

38. Where the engineer considers it equitable that the cost of the maintenance and repair of a drainage works be assessed upon a basis different from that upon which the cost of its construction or improvement is assessed, he shall determine and report the basis upon which the cost of maintenance and repair of the drainage works or of any part or parts thereof shall be assessed. R.S.O. 1970, c. 136, s. 18, *amended*.

Time for
filing
report

39.—(1) The engineer shall file his report with the clerk of the initiating municipality as soon as it is completed or in any event within six months after his appointment, or within such further time as may be extended before or after the expiry of such six-month period by the council of the municipality by resolution. R.S.O. 1970, c. 136, s. 22 (1), *amended*.

Engineer
may forfeit
compensation

(2) Where, after thirty days notice by council, the engineer neglects to make his report within the time limited by or extended under this section, he shall forfeit all claims for compensation for the work done by him upon the drainage works, and the council of the local municipality may appoint another engineer. R.S.O. 1970, c. 136, s. 22 (2), *amended*.

(3) A by-law passed by the council of any local municipality for the construction of a drainage works under this Act shall not be quashed by reason only that the report of the engineer was not filed within the time limited by or extended under this section. R.S.O. 1970, s. 136, s. 22 (3).

By-law
not invalid
by reason
report
not filed

40. Where the engineer finds that a drainage works is not required or is impractical, or cannot be constructed under this Act, he shall forthwith file with the clerk of the initiating municipality a report to that effect, stating his reasons therefor, the amount of his fees and other charges and by whom they shall be paid, and the clerk shall forthwith send a notice of the filing of such report, by prepaid mail, to all persons who signed the petition or requisition, as the case may be, and the matter shall not be further proceeded with unless the decision of the engineer is reversed on appeal. R.S.O. 1970, c. 136, s. 8 (10).

Engineer's
finding.
drainage
works
not
required,
etc.

41.—(1) Upon the filing of the engineer's report, the council of the initiating municipality, if it intends to proceed with the drainage works, shall, within thirty days of the filing of the report, cause the clerk of the initiating municipality to send a copy of the report and a notice by prepaid mail stating,

Notice of
drainage
works

- (a) the date of the filing of the report;
- (b) the name or other designation of the drainage works; and
- (c) the date of the council meeting at which the report will be considered,

to

- (d) the owners, in the initiating municipality, as shown by the last revised assessment roll to be the owners of lands and roads assessed for the drainage works or for which compensation or other allowances have been provided in the report;
- (e) the clerk of every other local municipality in which any land or road that is assessed for the drainage works or for which compensation or other allowances have been provided in the report is situate;
- (f) the secretary-treasurer of each conservation authority that has jurisdiction over any land affected by the report;

- (g) any railway company, public utility or road authority affected by the report, other than by way of assessment;
- (h) the Minister of Natural Resources where land under his jurisdiction may be affected by the report; and
- (i) the Director. R.S.O. 1970, c. 136, s. 24 (1, 2), *amended*.

Clerk to
notify
persons
assessed

(2) The clerk of every other local municipality in which any land or road that is assessed for the drainage works or for which compensation or other allowances have been provided in the report is situate shall send within thirty days of the sending of the last notice under subsection 1 a copy of the report and notice by prepaid mail to the owners, as shown by the last revised assessment roll to be the owners of the lands and roads in such municipality assessed for the drainage works, or for which compensation or other allowance has been provided in the report stating,

- (a) the date of the filing of the report;
- (b) the name or other designation of the drainage works; and
- (c) the date of the council meeting of the initiating municipality at which the report will be considered. R.S.O. 1970, c. 136, s. 24 (3), *amended*.

Council
meeting for
consideration
of report

(3) The date of the council meeting at which the report will be considered shall be not less than ten days after the last notice has been mailed pursuant to subsections 1 and 2. R.S.O. 1970, c. 136, s. 24 (6), *amended*.

By-law
not to be
quashed

(4) A by-law passed by the council of any local municipality in connection with the construction of a drainage works under this Act shall not be quashed by reason only that any notices required under this section were not sent within the specified time limits. *New*.

Consideration
of report

42. The council of the initiating municipality at the meeting mentioned in section 41 shall consider the report, and, where the drainage works is requested on petition, shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and shall also give those present owning lands within the area requiring drainage who have not signed the petition an opportunity

to do so, and should any of the lands or roads owned by the municipality within the area requiring drainage as described in the petition be assessed, the council may by resolution authorize the head of the municipality to sign the petition for the municipality, and such signature counts as that of one person in favour of the petition. R.S.O. 1970, c. 136, s. 25, *amended*.

43. If, after striking out the names of the persons withdrawing, the names remaining on the petition, including the names, if any, added as provided by section 42 do not comply with section 4, the original petitioners on their respective assessments in the report are chargeable *pro rata* with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and report and the sum with which each of such petitioners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the person liable, and shall be collected in the same manner as real property taxes. R.S.O. 1970, c. 136, s. 26 (2), *amended*. Liability of original petitioners

44. If, at the end of such council meeting, the petition contains a sufficient number of names to comply with section 4, the council may proceed to adopt the report, and, subject to section 59, no person having signed the petition shall, after the adoption of the report, be permitted to withdraw. R.S.O. 1970, c. 136, s. 26 (1), *amended*. Sufficiency of petition

45.—(1) A report may be adopted by by-law in the Form prescribed by the regulations and, when such by-law is given two readings by council, the report shall be deemed to be adopted and the by-law shall be known as a provisional by-law. R.S.O. 1970, c. 136, s. 27. Adoption of report

(2) Where a report is not adopted by council, any petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal. *New.* Appeal or referral to Tribunal

46.—(1) The council of the initiating municipality shall, within five days after the adoption of the report, send a copy of the provisional by-law, exclusive of the engineer's report, and a notice of the time and place of the first sitting of the court of revision by prepaid mail to every other local municipality in which any land or road is assessed for the drainage works or for which allowance or compensation has been provided for in the report. Notice of court of revision to be sent to local municipalities and to owners

(2) The council of the initiating municipality and of every local municipality to whom a copy of the provisional by-law Idem

is sent under subsection 1 shall, within thirty days after the adoption of the report, send a copy of the provisional by-law, exclusive of the engineer's report, and a notice of the time and place of the sitting of the court of revision by prepaid mail to each owner entitled to notice under section 41 informing the owner that he may appeal his assessment to the court of revision by a notice given to the clerk of the initiating municipality not later than ten days prior to the first sitting of the court of revision. R.S.O. 1970, c. 136, s. 29, *amended*.

Sittings
of court

(3) The first sitting of the court of revision shall be held on a day not earlier than twenty nor later than thirty days from the date of completing the mailing of the copies of the provisional by-law under subsection 2. R.S.O. 1970, c. 136, s. 31 (2), *amended*.

APPEALS

Appeal
from
report
to referee

47.—(1) Any owner of land or public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that it does not comply with the requirements of this Act, or that the engineer has reported that the drainage works cannot be constructed under section 4, may appeal to the referee and in every case a written notice of appeal shall be served upon the council of the initiating municipality within forty days after the mailing of the notices under section 41. R.S.O. 1970, c. 136, s. 36, *amended*.

Notice to
court
clerk

(2) Upon receipt of a notice of appeal under subsection 1, the clerk of the municipality shall forthwith record the notice and send a copy of the notice to the clerk of the court of the referee. R.S.O. 1970, c. 136, s. 36, *amended*.

Appeal to
Tribunal

48.—(1) Any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that,

- (a) the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof;
- (b) the drainage works should be modified on grounds to be stated;
- (c) the compensation or allowances provided by the engineer are inadequate or excessive;
- (d) the engineer has reported that the drainage works is not required, or is impractical, or cannot be constructed under section 3,

may appeal to the Tribunal, and in every case a written notice of appeal shall be served within forty days after the mailing of the notice under section 40 or 41. R.S.O. 1970, c. 136, ss. 36, 37, *amended*.

(2) Where lands used for agricultural purposes may be affected by the drainage works, the Director may appeal to the Tribunal on any of the grounds and in the manner mentioned in subsection 1. *New.*

49. Where the proposed drainage works is to be undertaken within a watershed in which a conservation authority has jurisdiction, the authority may appeal from the report of the engineer to the Tribunal on the ground that the drainage works will injuriously affect a scheme undertaken by the authority under *The Conservation Authorities Act*, and in every case a written notice of appeal shall be served within forty days after the mailing of the notices under section 41. R.S.O. 1970, c. 136, s. 35, *amended*.

50.—(1) The council of any local municipality to which a copy of the report was sent under section 41 may, within forty days after the report is sent to the clerk, appeal to the Tribunal from the report by serving the clerk of the initiating municipality and the clerk of every other municipality assessed by the engineer with a written notice of appeal setting forth the reasons for such appeal. R.S.O. 1970, c. 136, s. 38 (1).

(2) The reasons for appeal may be the following, or any of them,

- (a) that the proposed drainage works as it affects the appealing municipality should be abandoned or modified, on grounds to be stated;
- (b) that the course of the drainage works or any part thereof should be altered;
- (c) that the drainage works does not provide a sufficient outlet;
- (d) that the drainage works should be carried to an outlet in the initiating municipality or elsewhere;
- (e) that a petition has been received by the council of the appealing municipality, as provided by section 4, for the enlargement by the appealing municipality of any part of a drainage works lying within its limits, and thence to an outlet, and that the council

is of opinion that such enlargement is desirable to afford drainage facilities for the area described in the petition;

(f) the work is unnecessary; or

(g) that the assessment against lands and roads within the limits of the appealing municipality and roads under its jurisdiction is illegal, unjust or excessive. R.S.O. 1970, c. 136, s. 38 (2), *amended*.

Powers of
Tribunal

51.—(1) On any appeal or reference to the Tribunal under this Act, the Tribunal shall hear and determine the matter and, where not so provided, may make such order and direct such things to be done as are authorized by this Act and as it considers proper to carry out the purposes of this Act.

Parties

(2) The parties to an appeal or reference to the Tribunal under this Act shall be the person making the appeal or reference and such other persons as the Tribunal may specify. *New*.

Appeals

52.—(1) Any owner of land assessed for the drainage works who complains that his or any other land or road has been assessed too high or too low or that any land or road that should have been assessed has not been assessed, or that due consideration has not been given as to type of use of land, may personally, or by his agent, appeal to the court of revision by giving notice in writing to the clerk of the initiating municipality setting out the grounds of his appeal, and the appeal shall be heard by the court of revision. R.S.O. 1970, c. 136, s. 31 (1), *amended*.

Notices of
appeal

(2) Every notice of appeal shall be given at least ten days before the first sitting of the court, but the court may, though notice of appeal has not been given, by resolution passed at its first sitting, allow an appeal to be heard on such conditions as to giving notice to all persons interested or otherwise as appear just. R.S.O. 1970, c. 136, s. 31 (3), *amended*.

Adjournment
of court
or Tribunal

53. When the ground of appeal is that lands or roads are assessed too high and the evidence adduced satisfies the court of revision or Tribunal that the assessments on such lands or roads should be reduced and there is no evidence to indicate that the amount of such reduction should be levied against lands or roads whose owners are parties to appeals then pending before the court of revision or Tribunal, the court or Tribunal shall adjourn the hearing of the appeal

for a time sufficient to enable the clerk to notify by prepaid mail such persons as the appellant may specify who are shown by the last revised assessment roll to be owners of land affected of the date to which the hearing is adjourned, and the clerk shall so notify all such persons, and at such adjourned hearing the court or Tribunal shall dispose of the matter of appeal and, where appropriate, redistribute the assessments in such manner as appears just. R.S.O. 1970, c. 136, s. 32, *amended*.

54.—(1) Any party to an appeal before the court of revision may appeal to the Tribunal by giving notice addressed to the clerk of the Tribunal, given to the clerk of the initiating municipality, from the decision of the court of revision or from its omission, neglect or refusal to hear or decide an appeal within twenty-one days of the pronouncement of the decision of the court of revision or of any matter evidencing such omission, neglect or refusal. R.S.O. 1970, c. 136, s. 33 (1), *amended*. Appeal to Tribunal

(2) The clerk of the Tribunal shall give ten days notice to an appellant of the time and place of the hearing of the appeal by the Tribunal. Notice

(3) Every appeal shall be heard by the Tribunal by way of a trial *de novo* and shall be disposed of by the Tribunal in such manner as it considers proper, and its decision is final. *New*. Procedure

55. In any appeal to the court of revision or to the Tribunal in which the engineer is called upon to give evidence as to how an assessment was determined, he shall give his evidence before the appellant presents his case. *New*. Evidence by engineer

56. Any change in an assessment made by the court of revision or by the Tribunal shall be given effect to by the clerk of the local municipality altering the assessments and other parts of the schedule to comply therewith and sending notice thereof to the owners affected, and the provisional by-law shall, before the passing thereof, be amended to carry out any changes so made by the court of revision or by the Tribunal. R.S.O. 1970, c. 136, s. 34, *amended*. Clerk to alter assessments

57. The council of the initiating municipality, at any time before passing the by-law, if it appears that there are or may be errors in the report of the engineer or that for any other reason the report should be reconsidered, may refer the report back to him for reconsideration, and the engineer shall thereupon reconsider his report and shall further report to the council, which report has the same effect and shall be Referral back to engineer

dealt with in the same manner and the proceedings thereon shall be the same as upon the original report. R.S.O. 1970, c. 136, s. 28, *amended*.

By-law
may be
passed

58.—(1) Where the council of an initiating municipality has adopted a report for the construction of a drainage works after the time for appealing has expired and there are no appeals or after all appeals have been decided, the council may pass a provisional by-law thereby authorizing the construction of the drainage works, and work may be commenced ten days after the by-law is passed if no notice of intention to make application to quash the by-law has been filed with the clerk of the council. R.S.O. 1970, c. 136, s. 40, *amended*.

Quashing
of by-law

(2) If no notice of intention to make application to quash a by-law is filed with the clerk of the council within ten days after the passing of the by-law or, where a notice of intention has been given, if an application to quash is not made to the referee within three months after the passing of the by-law, the by-law, or so much thereof as is not the subject of or is not quashed upon any such application, is valid and binding according to its terms, so far as it prescribes or directs anything within the proper competence of the council. R.S.O. 1970, c. 136, s. 44.

Repeal of
by-law

(3) A by-law may be repealed at any time before the work is commenced and before any assessment has been levied against the land assessed, and in such case the council of the initiating municipality shall pay all expenses in connection therewith out of the general funds of the municipality. R.S.O. 1970, c. 136, s. 42, *amended*.

Where
error in
report

(4) If, at any time after the by-law is passed and before any assessments are levied, a gross error in the report is found, the council of the initiating municipality may on notice to all persons assessed apply to the Tribunal to correct the error.

Appeal to
Tribunal

(5) Where the council does not proceed with reasonable dispatch with the construction of the work after passage of the by-law, a petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal, and the Tribunal may direct the council to take such action as the council is authorized to take under this Act and as the Tribunal considers proper. *New*.

Meeting
to consider
contract
price

59.—(1) Where the contract price exceeds 133 per cent of the engineer's estimate of the contract price, the council of the initiating municipality shall call a meeting in the

manner prescribed by section 41, and sections 42 and 43 apply *mutatis mutandis*.

(2) If at the close of the meeting the petition contains a sufficient number of names to comply with section 4, the council may proceed with the construction of the drainage works. *New.* Council may proceed with construction

60. The council of each local municipality to which a copy of the report is required to be sent under subsection 1 of section 41 shall raise and pay over to the treasurer of the initiating municipality its proportion of the cost of the construction of the drainage works within a reasonable time after the drainage works has been certified complete by the engineer or drainage superintendent. R.S.O. 1970, c. 136, s. 41 (1), *amended.* Municipalities required to raise cost

61.—(1) The council of each local municipality that is required to raise the whole or any part of the cost of the construction of the drainage works shall, forthwith after the time for appealing has expired and there are no appeals or after all appeals have been decided, by by-law impose upon the land assessed for the construction of the drainage works the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as the council may prescribe. R.S.O. 1970, c. 136, s. 41 (2), *amended.* Imposition of special assessment

(2) The council of any local municipality may provide that persons whose lands are assessed may commute for a payment in cash the assessments imposed thereon and may prescribe the terms and conditions thereof. R.S.O. 1970, c. 136, s. 41 (3). Commutation of special assessment

(3) Where the assessment against any parcel of land is \$50 or less, the council of the local municipality may provide that the assessment shall be paid out of the general funds of the municipality or that the assessment shall be paid in the first year in which the assessment is imposed upon the land assessed. R.S.O. 1970, c. 136, s. 41 (4), *amended.* Assessments of \$50 or less

(4) The assessments and rates imposed under this Act shall be deemed to be taxes, and the provisions of *The Municipal Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default of payment thereof, apply. R.S.O. 1970, c. 136, s. 41 (5). Application of R.S.O. 1970, c. 284

(5) Notwithstanding the provisions of any general or special Act, land exempt from taxation is for all purposes, except petitioning for or against undertaking a drainage works, subject to the provisions of this Act and shall be Lands exempt from taxation to be specially assessed

assessed, and the assessments so imposed that fall due while such land remains exempt from taxation shall be paid by the municipality that imposed the assessments, provided that such assessments imposed upon land on which a church or place of worship is erected and that is used in connection therewith, land of a university, college or seminary of learning, whether vested in a trustee or otherwise, and land of a board of an elementary or secondary school as defined in *The Education Act, 1974* and land owned by a county or a regional municipality, shall be paid by the owners of the land. R.S.O. 1970, c. 136, s. 41 (6), *amended*.

1974, c. 109

Amendment
of by-law

62.—(1) Any by-law for the assessment upon the lands and roads liable to contribute for any drainage works that has been acted upon by the completion of the drainage works in whole or in part shall, where more than sufficient funds or where insufficient funds have been provided for the completion of or proper contribution towards the drainage works or for the redemption of the debentures authorized to be issued thereunder as they become payable, be amended, and, if lands and roads in any other municipality are assessed for the drainage works, the surplus or deficiency of money shall be divided *pro rata* among the contributing municipalities, and every such surplus or deficiency shall be applied by the council of the municipality *pro rata* according to the assessment in payment of the rates imposed by it for the drainage works. R.S.O. 1970, c. 136, s. 48 (1, 3), *amended*.

When lands
and roads
in another
municipality
assessable

(2) Where a by-law provides insufficient funds and lands and roads in another municipality are assessed for the drainage works, the council of the initiating municipality shall appoint an engineer to make an examination of the drainage works and report upon it with an estimate of the cost of completion for which sufficient funds have not been provided under the original by-law, and shall notify the heads of the other local municipalities as in the case of the original report, and the council of any municipality so notified has a right of appeal to the Tribunal in the manner provided by section 50 on the grounds of the improper expending or unlawful or other application of the drainage money already raised and is subject to the same duty, as to raising and paying over its share of the money to be raised, as in the case of the original by-law. R.S.O. 1970, c. 136, s. 48 (2), *amended*.

Respon-
sibility
of owner
for
payment

(3) Where any allowance or compensation has been determined for an owner under sections 29 to 33, the council shall, where the amount so determined is less than the total amount owing from that owner, deduct from that total the amount so determined and the owner shall be responsible for paying the balance in the manner prescribed by the by-law.

(4) Where any allowance or compensation mentioned in subsection 3 exceeds the total amount owing by the owner, the municipality shall pay the balance to him. *New.* Payment of balance

CONSTRUCTION

63.—(1) The contractor and his assistants when engaged in the construction, maintenance, improvement or repair of a drainage works may, with their equipment, enter upon whatever lands are necessary to complete the work within the working space designated in the engineer's report. Powers of contractor

(2) Every person who wilfully interferes with or obstructs the contractor or any of his assistants in the exercise of the powers conferred by subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. *New.* Penalty for obstruction

64. Any owner of land dissatisfied with the quality of the construction of a drainage works constructed under this Act may, at any time during construction or up to one year from the date of completion of the drainage works as certified by the engineer or drainage superintendent of the drainage works, appeal to the Tribunal on grounds to be stated. *New.* Appeal by owner of land

SPECIAL PROVISIONS

65.—(1) Subject to subsection 6, where a parcel of land has been assessed by an engineer and, after the final revision of the assessment, the parcel is divided by the change in ownership of any part, the clerk of the local municipality in which the parcel is situate shall instruct an engineer in writing to apportion the assessment charged against the parcel among the parts into which it is divided. Subsequent subdivision of land

(2) The clerk of the local municipality shall forthwith send a copy of the instructions by prepaid mail to the owners of the parts into which the parcel is divided. Notice to affected owners

(3) The engineer in making the apportionment shall have regard to the part of the parcel affected by the drainage works, and shall make the apportionment in writing and file it with the clerk of the local municipality who shall attach it to the original assessment and shall send, by prepaid mail, a copy thereof to each of such owners, and, subject to subsection 5, the apportionment is binding upon the lands assessed. R.S.O. 1970, c. 136, s. 19 (1-3). Apportionment of assessment

(4) The costs, including the fees of the engineer, shall be borne and paid by the parties in the manner fixed or Costs

apportioned by the engineer or, on appeal, by the Tribunal. R.S.O. 1970, c. 136, s. 19 (4), *amended*.

Appeal of
apportion-
ment

(5) Any such owner who is dissatisfied with such apportionment and who is assessed for a sum greater than \$200 may appeal to the Tribunal within forty days after the date a copy of the apportionment is sent to him by the clerk. R.S.O. 1970, c. 136, s. 19 (5), *amended*.

Agreement
on share
of
assessment

(6) When the owners of the subdivided land mutually agree on the share of the drainage assessment that each should pay, they may enter into a written agreement and file it with the clerk of the local municipality and, if the agreement is approved by the council by resolution, no engineer need be instructed under subsection 1. *New*.

Subsequent
connections
with drainage
works

66.—(1) Where an owner of land that is not assessed for drainage works subsequently connects the land with the drainage works for the purpose of drainage or where the nature or extent of the use of a drainage works by land assessed for the drainage works is subsequently altered, an engineer appointed by the initiating municipality for the purpose shall make a report and assess the land for a just proportion of the drainage works, regard being had to any compensation paid to the owner of such land in respect of the drainage works, but no person shall connect such land to the drainage works without the approval of the council of the municipality. R.S.O. 1970, c. 136, s. 20 (1), *amended*.

Use of
amount
collected

(2) The amount collected under subsection 1 shall be paid into a special bank account and shall be used only for the future improvement, maintenance or repair of the whole or any part of the drainage works. R.S.O. 1970, c. 136, s. 20 (2), *amended*.

Tenant's
covenant
to pay taxes,
when to
include
drainage
assessments

67. Any agreement on the part of a tenant to pay the rates or taxes in respect of the demised land does not include the charges and assessments for a drainage works unless the agreement in express terms so provides, but, in cases of contract to purchase or of leases giving the lessee an option to purchase, the charges and assessments for a drainage works, in connection with which proceedings were commenced under this Act after the date of the contract or lease and which have already been paid by the owner, shall in the absence of any agreement to the contrary, be added to the price and shall be paid by the purchaser or the lessee where he exercises his option to purchase, but the amount still unpaid on the cost of the drainage works and charged against the lands shall be borne by the purchaser unless otherwise provided by the conveyance or agreement. R.S.O. 1970, c. 136, s. 47, *amended*.

68. Where compensation or allowance has been paid to the owner of any land under section 32 or 33, the clerk of the local municipality shall cause to be registered in the proper land registry office a copy of the by-law adopting the report exclusive of the report, together with a statement of the amount paid and a description of the land in respect of which the amount was paid in the Form prescribed in the regulations. *New.*

Registration
of by-law

69.—(1) Where a drainage works or a part thereof is to be constructed, improved, maintained or repaired upon, along, adjoining, under or across the lands, permanent way, transmission lines, power lines, wires, conduits or other permanent property of a public utility or road authority, the public utility or road authority may construct, improve, maintain or repair such drainage works or part. R.S.O. 1970, c. 136, s. 21 (1), *amended.*

Public
utility
or road
authority,
option to
construct
drainage
works

(2) Where the public utility or road authority does not exercise its powers under subsection 1 or does not complete such drainage works or part within a reasonable time and without unnecessary delay, such drainage works or part may be completed by the initiating municipality in the same manner as any other drainage works. R.S.O. 1970, c. 136, s. 21 (2), *amended.*

Non-exercise
by public
utility
or road
authority

70. The fees and expenditures of the engineer form part of the cost of the drainage works. R.S.O. 1970, c. 136, s. 23 (1).

Fees of
engineer
part of cost

71. The account of the engineer shall be set out in such detail as the council of the local municipality that appointed him may require. R.S.O. 1970, c. 136, s. 23 (2).

Account
of
engineer

72.—(1) The council of the local municipality, within forty days after the engineer's account is presented to the clerk of the municipality, may, on notice to the engineer, apply to the Tribunal, which shall review the account and make any alteration it considers just. R.S.O. 1970, c. 136, s. 23 (3), *amended.*

Review by
Tribunal

(2) Where the account as confirmed or altered by the Tribunal exceeds \$1,000, either party may, on notice to the other party, appeal the decision of the Tribunal to the referee, whose decision is final. R.S.O. 1970, c. 136, s. 36.

Appeal
to referee

(3) In any application made under subsection 1, it shall not be necessary to notify all persons assessed for the drainage works. *New.*

Non-
requirement
of notice

Costs to
be deemed
part of cost
of drainage
works

73.—(1) Except where otherwise provided in this Act or by a decision on an appeal, the cost of any application, reference or appeal and the cost of temporary financing for the construction, improvement, repair and maintenance of a drainage works, shall form part of the cost of the drainage works. R.S.O. 1970, c. 136, s. 46, *amended*.

Cost of
council
meetings

(2) The cost of council meetings and special council meetings shall not be included in the cost of the drainage works. *New*.

Fees of
clerk

(3) The council of a local municipality may by by-law provide for payment to the clerk of the municipality of reasonable fees or other remuneration for services performed by him in carrying out the provisions of this Act, but such fees or other remuneration shall not be deemed to form part of the cost of the drainage works. R.S.O. 1970, c. 136, s. 43, *amended*.

MAINTENANCE, REPAIR AND IMPROVEMENT

Maintenance
of drainage
works and
cost

74. Any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, relating to the construction or improvement of a drainage works by local assessment, shall be maintained and repaired by each local municipality through which it passes, to the extent that such drainage works lies within the limits of such municipality, at the expense of all the upstream lands and roads in any way assessed for the construction or improvement of the drainage works and in the proportion determined by the then current by-law pertaining thereto until, in the case of each municipality, such provision for maintenance or repair is varied or otherwise determined by an engineer in a report or on appeal therefrom. R.S.O. 1970, c. 136, s. 49, *amended*.

Service of
copy of
by-law
on munici-
pality liable
for con-
tribution
and appeal
from by-law

75.—(1) The council of any local municipality undertaking the repair of a drainage works without the report of an engineer, shall, before commencing the repairs,

- (a) give two readings to a by-law for undertaking such repairs, which by-law shall recite the description, extent and estimated cost of the repairs to be done and the amount to be contributed therefor by each local municipality affected by the drainage works and shall be known as a provisional by-law; and
- (b) serve upon the head or clerk of any municipality liable to contribute any portion of the cost of such repairs a copy of the provisional by-law,

and the council of any municipality so served may, within forty days thereafter, appeal from such by-law to the Tribunal on the ground that work provided for in the by-law is unnecessary or that such drainage works has never been completed through the default or neglect of the municipality whose duty it was to do the work. R.S.O. 1970, c. 136, s. 50 (1), *amended*.

(2) The council of every municipality served with a copy of the provisional by-law shall, forthwith after the time for appealing from such by-law has expired and there are no appeals or after all appeals have been decided, pass a by-law to raise the amount assessed against lands and roads in the municipality, as stated in the provisional by-law or as determined on appeal therefrom, and shall pay over such amount within a reasonable time to the Treasurer of the initiating municipality. R.S.O. 1970, c. 136, s. 50 (2). Council to furnish amount required

(3) The council of any municipality shall not be required to assess and levy the amount charged for maintenance or repair of a drainage works more than once in every five years if the total expense incurred does not exceed the sum of \$1,000, in which case sections 64 and 65 of *The Ontario Municipal Board Act* do not apply. R.S.O. 1970, c. 136, s. 57, *amended*. When levy for maintenance required
R.S.O. 1970, c. 323

76.—(1) The council of any local municipality liable for contribution to a drainage works in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the assessment for maintenance and repair of the drainage works may make an application to the Tribunal, of which notice has been given to the head of every other municipality affected by the drainage works, for permission to procure a report of an engineer to vary the assessment, and, in the event of such permission being given, such council may appoint an engineer for such purpose and may adopt the report but, if all the lands and roads assessed or intended to be assessed lie within the limits of one local municipality, the council of that municipality may procure and adopt such report without such permission. R.S.O. 1970, c. 136, s. 51 (1), *amended*. Varying original assessments for maintenance

(2) The proceedings upon such report shall be the same, as nearly as may be, as upon the report for the construction of the drainage works. R.S.O. 1970, c. 136, s. 51 (2). Proceedings on report of engineer

(3) Any council served with a copy of such report may, within forty days of such service, appeal to the Tribunal from the finding of the engineer as to the portion of the cost of the drainage works for which the municipality is liable. R.S.O. 1970, c. 136, s. 51 (3), *amended*. Appeal from report of engineer

Appeal from
assessment

(4) Any owner of land assessed for maintenance or repair may appeal from the assessment in the report on the grounds and in the manner provided by section 52 in the case of the construction of the drainage works. R.S.O. 1970, c. 136, s. 51 (4), *amended*.

Basis of
future
assessments

(5) An assessment determined under this section shall thereafter, until it is further varied, form the basis of any assessment for maintenance or repair of the drainage works affected thereby. R.S.O. 1970, c. 136, s. 51 (5).

Deepening,
widening
or extending
without
report
of engineer

77.—(1) The council of any local municipality whose duty it is to maintain and repair a drainage works for which only lands and roads within or under the jurisdiction of the municipality are assessed may, after the completion of the drainage works, without the report of an engineer, upon a *pro rata* assessment on the lands and roads as last assessed for the construction, maintenance or repair of the drainage works, make improvements thereto by deepening, widening or extending the drainage works to an outlet, provided the cost of such deepening, widening or extending is not more than \$4,500, but the amount expended may be increased to 20 per cent of the initial cost of the drainage works upon receiving approval as set out in the requirements for a petition of those parties eligible to sign a petition under section 4. R.S.O. 1970, c. 136, s. 52 (1), *amended*.

Moving
drainage
works off
road

(2) Where any road authority desires to relocate a drainage works or part thereof that is on or adjacent to a road under its jurisdiction, upon the report of an engineer appointed by the municipality whose duty it is to maintain and repair the drainage works that the drainage works or part thereof can be moved to a specified new location without impairing the capacity or efficiency of such drainage works or adversely affecting any person or property, the council of a local municipality may authorize such relocation within the boundaries of the municipality at the expense of the road authority. R.S.O. 1970, c. 136, s. 52 (2), *amended*.

Improving,
upon
examination
and report
of engineer

78.—(1) Where, for the better use, maintenance or repair of any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, or of lands or roads, it is considered expedient to change the course of the drainage works, or to make a new outlet for the whole or any part of the drainage works, or to construct a tile drain under the bed of the whole or any part of the drainage works as ancillary thereto, or to construct, reconstruct or extend embankments, walls, dykes, dams, reservoirs, bridges, pumping stations and other protective works as ancillary to the drainage works, or to otherwise improve,

extend to an outlet or alter the drainage works or to cover the whole or any part of it, or to consolidate two or more drainage works, the council of any municipality whose duty it is to maintain and repair the drainage works or any part thereof may, without the petition required in section 4 but on the report of an engineer appointed by it, undertake and complete the drainage works as set forth in such report. R.S.O. 1970, c. 136, s. 53 (1), *amended*.

(2) An engineer shall not be appointed under subsection 1 until thirty days after a notice advising of the proposed drainage works has been sent by prepaid mail to the secretary-treasurer of each conservation authority that has jurisdiction over any of the lands that would be affected. R.S.O. 1970, c. 136, s. 53 (2), *amended*. Notice to conservation authority

(3) The engineer has all the powers and shall perform all the duties of an engineer appointed with respect to the construction of a drainage works under this Act. Powers and duties of engineer

(4) All proceedings, including appeals, with respect to a report under subsection 1 and the assessments therein shall be the same as on a report for the construction of a drainage works and the assessments therein. R.S.O. 1970, c. 136, s. 53 (3, 4). Proceedings on report and appeals

79.—(1) Upon thirty days notice in writing served by any person whose property is injuriously affected by the condition of a drainage works, upon the head or clerk of the local municipality whose duty it is to maintain and repair the drainage works, the municipality is compellable by an order of the referee to exercise the powers and to perform the duties conferred or imposed upon it by this Act as to maintenance and repair or such of the powers and duties as to the referee appears proper, and the municipality is liable in damages to the owner whose property is so injuriously affected. R.S.O. 1970, c. 136, s. 54 (1), *amended*. Power to compel repairs

(2) Notwithstanding subsection 1, the local municipality whose duty it is to maintain and repair drainage works shall not become liable in damages to any person whose property is injuriously affected by reason of the non-repair of the drainage works until after service by or on behalf of such person of the notice referred to in subsection 1 upon the head or clerk of the municipality, describing with reasonable certainty the alleged lack of maintenance and repair of the drainage works. R.S.O. 1970, c. 136, s. 54 (2). Municipality liable for damages caused by non-repair

(3) The local municipality whose duty it is to maintain and repair a drainage works is not liable in damages for No liability where drainage works blocked by ice or snow

any injury caused by reason of a drainage works being blocked by snow or ice and overflowing the lands of any person without negligence on the part of the municipal corporation. R.S.O. 1970, c. 136, s. 54 (3), *amended*.

Person
responsible
for
obstruction
to remove
it on
notice

80.—(1) When a drainage works becomes obstructed by a dam, low bridge, fence, washing out of a private drain, or other obstruction, for which the owner or occupant of the land adjoining the drainage works is responsible, so that the free flow of the water is impeded thereby, the persons owning or occupying the land shall, upon reasonable notice in writing given by the council of the local municipality whose duty it is to maintain and repair the drainage works or by the drainage superintendent appointed by the council, remove such obstruction and, if it is not so removed within the time specified in the notice, the council or the drainage superintendent shall forthwith cause it to be removed, and the cost thereof is payable to the municipality by the owner or occupant of the land. R.S.O. 1970, c. 136, s. 55 (1), *amended*.

Collection
of cost
of removal

(2) If the cost of removing the obstruction is not paid to the local municipality by the owner or occupant of the land forthwith after the completion of the work, the council may pay the cost, and the clerk of the municipality shall place the amount of cost upon the collector's roll against such land and such amount shall be collected in the same manner as real property taxes. R.S.O. 1970, c. 136, s. 55 (2).

Removal of
minor
obstructions

81. The council, by by-law or resolution, shall direct the drainage superintendent to remove from any drainage works all weeds and brushwood, fallen timber or other minor obstructions for which the owner or occupant of the lands adjacent to the drainage works may not be responsible, and the cost of such work is chargeable as part of the cost of maintenance of the drainage works. R.S.O. 1970, c. 136, s. 56, *amended*.

Municipality
may sue
for cost
of damage
to drainage
works

82.—(1) A municipality in which a drainage works or part thereof is situate may bring an action for damages against any person who destroys or injures in any way a drainage works, including any bench mark or permanent level, and any damages ordered by the referee to be paid shall be paid to the municipality and used for the construction, improvement, maintenance or repair of the drainage works. R.S.O. 1970, c. 136, s. 45, *amended*.

Penalty
for
damage
to drainage
works

(2) Every person who obstructs, fills up or injures or destroys by any means a drainage works is guilty of an offence and on summary conviction, in addition to his liability in

damages, is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1970, c. 136, s. 58, *amended*.

83.—(1) Except as authorized by a by-law of the initiating municipality approved by the Ministry of the Environment, no person shall discharge or deposit or permit to be discharged or deposited into any drainage works any liquid, material or substance other than unpolluted drainage water. R.S.O. 1970, c. 136, s. 60 (1), *amended*. Pollution of drains prohibited

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 136, s. 60 (2), *amended*. Penalty for pollution

84.—(1) Upon the written request of three-quarters of the owners of land assessed for benefit in respect of a drainage works, who, according to the last revised assessment roll, own not less than three-quarters of the area assessed for benefit as shown in the by-law or by-laws under which the drainage works exist, asking for the abandonment of such drainage works or a part thereof, the council of the initiating municipality shall forthwith notify all owners of land assessed for the drainage works by prepaid mail, at their addresses as shown in the last revised assessment roll, of its intention to abandon such drainage works, or such part thereof as is specified in the notice, unless any owner within ten days of the mailing of such notice, gives to the clerk of the municipality written notice that he requires a report of an engineer to be made on such proposed abandonment. R.S.O. 1970, c. 136, s. 61 (1), *part*. Abandonment of all or part of drainage works

(2) The council of the initiating municipality may give notice as in subsection 1 of its intention to abandon a drainage works or such part thereof as is specified in the notice without any written request. R.S.O. 1970, c. 136, s. 61 (1), *part*. Idem

(3) If, within such period of ten days, any owner notifies the clerk, the council shall appoint an engineer to examine the drainage works and report his recommendations as to the proposed abandonment, any necessary work in connection therewith, the sale of any assets, the cost of abandonment and all other appropriate matters and shall assess all costs, including his own compensation, and damage allowances against persons liable to assessment in connection with the drainage works in such proportions as appear just. Engineer's report may be required

(4) All proceedings, including appeals, with respect to a report under subsection 1 shall be the same *mutatis mutandis* as on a report for the construction of a drainage works. Procedures on report

Abandonment
by council

(5) If no notice is mailed to the clerk in accordance with subsection 1 or if the engineer's report, as it may be altered on appeal, recommends the abandonment of the drainage works, the council may by by-law abandon the drainage works, and thereafter the municipality has no further obligation with respect to the drainage works.

Disburse-
ment of
remaining
funds

(6) Any money remaining to the credit of the drainage works after it is abandoned shall be divided *pro rata* among the owners of lands and roads assessed therefor. R.S.O. 1970, c. 136, s. 61 (2-5).

GRANTS

Provincial
grants

85. Grants may be made in respect of,

- (a) assessments made under this Act upon lands used for agricultural purposes,
 - (i) for drainage works undertaken in accordance with section 4, 74 or 78 where a report of an engineer describing the current work has been adopted in accordance with this Act, and
 - (ii) for maintenance, repair and minor improvements undertaken on the recommendation of the drainage superintendent within the budgeting limitations established by the Minister for that municipality;
- (b) costs incurred by municipalities in the employment of a drainage superintendent; and
- (c) the total cost of preparing a preliminary report exclusive of the cost of preparing any benefit cost statement and any environmental appraisal. R.S.O. 1970, c. 136, s. 62 (1), *amended*.

When
grants
not to
be made

86.—(1) Subject to subsection 2, grants shall not be made in respect of assessments made under this Act upon lands owned by Canada, Ontario or a municipality or in respect of the assessment of the cost of lateral drains. R.S.O. 1970, c. 136, s. 62 (2), *amended*.

Exception

(2) Grants may be made in respect of lands owned by Ontario and leased for agricultural purposes to a lessee with an option to purchase. *New*.

Payment
of grant

87.—(1) The Minister, upon receipt of a duly completed application for a grant, may pay out of such moneys as are

appropriated therefor by the Legislature to the treasurer of the initiating municipality a grant of,

- (a) where the drainage works is in a municipality within a county or, subject to clause *b*, a regional municipality, $33\frac{1}{3}$ per cent of the assessments eligible for a grant under section 85; or
- (b) where the drainage works is in a municipality or a regional or district municipality within a territorial district or a provisional county, $66\frac{2}{3}$ per cent of the assessments eligible for a grant under section 85. R.S.O. 1970, c. 136, s. 64 (2), *amended*.

(2) Where a drainage works is in territory without municipal organization, an amount not exceeding 80 per cent of the assessments eligible for a grant under section 85 in respect of such drainage works may be paid by the Minister out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 136, s. 65 (2), *amended*. Grants in unorganized territory

(3) Where one or more municipalities employ a drainage superintendent who has qualifications satisfactory to the Minister, the Minister may direct that 50 per cent of the costs incurred by the municipality or municipalities in the employment of such superintendent shall be paid out of the moneys appropriated therefor by the Legislature. *New*. Payment of grant where drainage superintendent employed

88.—(1) Upon the practical completion of the drainage works and after the time for appealing against assessments has expired and there are no appeals or after all appeals against assessments have been decided, the council of the initiating municipality shall forward to the Director an application for a grant in such form as is provided by the Director. R.S.O. 1970, c. 136, s. 64 (1), *amended*. Application for grant

(2) No grant shall be paid in respect of interest charges on any drainage works accruing after 120 days from the completion thereof as certified by the engineer or drainage superintendent. *New*. Grant re interest charges

89.—(1) Where the drainage works is in two or more municipalities, the grant shall be distributed by the treasurer of the initiating municipality among all such municipalities in the proportion that the total of the assessments eligible for a grant in each municipality bears to the total of all assessments eligible for a grant in all of the municipalities. Distribution

(2) The treasurer of each municipality shall apply the amount of the grant received by that municipality to reduce Grant to be applied to reduce assessments

the assessment on each parcel of land in the municipality eligible for a grant in the proportion that each such assessment bears to the total of the assessments eligible for a grant in the municipality. R.S.O. 1970, c. 136, s. 64 (3, 4).

Reduction
of grant

90. The Minister may reduce or withhold a grant on any drainage works if in his opinion the costs other than the contract price are excessive. *New.*

DIRECTOR

Director

91. The Minister may appoint a Director for the purposes of this Act. *New.*

Persons to
advise and
assist

92. The Minister may designate such persons as he considers necessary to advise and assist municipalities and engineers in the application and administration of this Act and any such person who is not a member of the public service of Ontario shall be paid such remuneration as the Lieutenant Governor in Council may determine, together with his reasonable expenses. *New.*

DRAINAGE SUPERINTENDENT AND COMMISSIONERS

Appointment
of drainage
super-
intendent

93. The council of a local municipality may by by-law appoint a drainage superintendent,

- (a) to initiate and supervise the maintenance and repair of any drainage works; and
- (b) to assist in the construction or improvement of any drainage works,

and to report thereon to council and may provide for fees or other remuneration for services performed by him in carrying out the provisions of this Act, but such fees or other remuneration shall not be deemed to form part of the cost of the drainage works, and shall be paid from the general funds of the municipality.

Inspection
of drains

94.—(1) The drainage superintendent shall inspect every drainage works for which the municipality is responsible at intervals of not less than three years, and shall periodically report to council on the condition of the drainage works in the municipality.

Drainage
super-
intendent
may act
for more
than one
municipality

(2) Two or more municipalities may appoint the same person to be drainage superintendent within each municipality. *New.*

95.—(1) For the better maintenance and repair of drainage works by embanking, pumping or other mechanical operations, the council of the municipality initiating the drainage works may by by-law,

Appointment
of
commissioner

(a) appoint one or more commissioners with power to,

(i) enter into all necessary and proper contracts for the purchase of fuel, erection or repairs of buildings and purchase and repairs of machinery, and

(ii) do all other things necessary for successfully operating the drainage works and for keeping the embankment thereof in repair as may be set forth in the by-law appointing him; and

(b) provide for defraying the annual cost of maintaining and operating the drainage works by assessment upon the lands and roads in any way liable to assessment therefor. R.S.O. 1970, c. 136, s. 59, *amended*.

(2) The fees or other remuneration of a commissioner shall form part of the cost of the maintenance and repair of the drainage works. *New.*

Fees, etc.

(3) The drainage superintendent and the commissioner have the same powers as to entry on land as are given to the engineer and his assistants under subsection 1 of section 12. *New.*

Powers of
super-
intendent
and
drainage
commissioner

COURTS OF REVISION

96.—(1) Subject to subsection 3, a court of revision shall consist of three or five members appointed by the council of the initiating municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.

Court of
revision

(2) Every such member shall be a person eligible to be elected a member of council or shall be a member of council. R.S.O. 1970, c. 136, s. 30.

Qualification

(3) Where the drainage works extends from the initiating municipality into a neighbouring municipality, the court of revision shall consist of two members appointed by the council of the initiating municipality, of whom one shall be chairman and one member appointed by the council of each of the neighbouring municipalities and the court shall hear

Where more
than one
municipality

and rule on appeals as if the entire area affected by the drainage works were in one municipality. *New.*

THE ONTARIO DRAINAGE TRIBUNAL

Tribunal
established

97.—(1) The Ontario Drainage Tribunal is hereby established and shall be composed of a chairman and such number of vice-chairmen and other members as shall be appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Tribunal designated by the chairman, one of whom shall be a barrister entitled to practice in Ontario, shall constitute a quorum and have all of the jurisdiction and powers of the Tribunal.

Remuneration

(3) The members of the Tribunal who are not members of the public service of Ontario shall be paid such remuneration as the Lieutenant Governor in Council may determine, together with their reasonable expenses.

Powers of
Tribunal

(4) The Tribunal may,

- (a) hold sittings at any place in Ontario and in more than one place at the same time; and
- (b) procure reports from engineers and other professional persons in order to assist the Tribunal in reaching a decision.

Tribunal
may make
rules

(5) Subject to the approval of the Lieutenant Governor in Council, the Tribunal may make rules governing its practice and procedure and the exercise of its powers.

Clerk of
Tribunal

(6) The clerk of the initiating municipality shall be the clerk of the Tribunal.

Stenographic
reporters

(7) The Tribunal may from time to time employ stenographic reporters to report hearings before the Tribunal and may fix their fees and such fees shall be included in the costs of the hearing and shall be borne and paid as the Tribunal may direct.

Sittings of
Tribunal

(8) Where the sittings of the Tribunal are to be held in a municipality, the municipality shall provide a suitable room for holding a hearing.

Copy of
decision

(9) The Tribunal shall send by registered mail addressed to the parties to any proceedings who took part in the hearing, at their addresses last known to the Tribunal and to the Minister, a copy of its final decision and order, if any, in the proceedings.

(10) The costs of any proceedings before the Tribunal shall be paid by or apportioned between the parties in such manner as the Tribunal considers proper, and where costs are ordered to be paid, the order for payment thereof may be filed in any small claims court having jurisdiction in the municipality and is enforceable as a judgment or order of such court. Costs, payment of

(11) The costs chargeable or to be awarded in any proceedings may include the costs of witnesses and of procuring their attendance, the costs of secretarial staff and such other costs as the Tribunal may direct, and may be taxed according to the allowance in a small claims court for such costs, and, in cases where execution issues, the costs thereof as in the like court, and of enforcing the execution, may also be collected thereunder. *New.* What costs chargeable

98. In any application, appeal or reference to the Tribunal, the action shall be commenced by serving notice upon the council of the initiating municipality and the clerk shall forthwith record the notice and except as otherwise provided send a copy of the notice to the Tribunal and to all persons assessed for the drainage works. *New.* Appeal commenced by notice

99. The Tribunal, in any case that it considers proper, may extend the time otherwise limited for application, appeal or reference. *New.* Extension of time

100. In any application, appeal or reference under sections 8, 10, 48, 49, 50, 54, 64, 65 and 75 the decision of the Tribunal is final. *New.* Decision final

REFEREE

101.—(1) The Lieutenant Governor in Council may appoint a referee for the purposes of this Act. Appointment of referee

(2) The Lieutenant Governor in Council from time to time may appoint an acting referee or referees for the purposes of this Act, and an acting referee has the same powers and duties as the referee. Acting referee

(3) The referee or an acting referee shall be a justice of the Supreme Court or a judge of a county court. Qualification

(4) Notwithstanding any other Act, the referee or an acting referee shall be paid such remuneration as the Lieutenant Governor in Council may determine, together with his reasonable expenses and expenses for secretarial services. R.S.O. 1970, c. 136, s. 66. Remuneration

Notice of
time and
place of
hearing

102.—(1) Where an application or appeal is made to the referee, he shall give an appointment to the parties to proceed therewith at such place and time and in such manner as to him may seem proper, but, unless the parties otherwise consent, a hearing shall be in the county or one of the counties in which the drainage works is or is to be situate. R.S.O. 1970, c. 136, s. 68 (1).

Use of
court house,
etc.

(2) When an appointment is given by the referee for a hearing in any municipality where a court house is situate, he has in all respects the same authority as a judge of the Supreme Court with respect to the use of the court house or other place or apartments therein. R.S.O. 1970, c. 136, s. 69, *amended*.

Clerk
of court

103.—(1) The clerk of the county court shall be the clerk of the court of the referee and shall take charge of and file all the exhibits, and is entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the county court.

Fees of
clerk

(2) The clerk of the court is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee may direct.

Acting
clerk

(3) In the absence of the clerk of the county court, the referee may appoint some other person to act as clerk of the court of the referee for the purpose of the trial and for taking charge of and filing all exhibits, and the person so appointed while so acting has the same power as the clerk of the county court and is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee may direct. R.S.O. 1970, c. 136, s. 68 (2-4).

Stenographic
reporters

(4) The referee may from time to time employ stenographic reporters to report hearings and trials before the referee and fix their fees, and such fees shall be included in the costs and shall be borne and paid as the referee may direct. R.S.O. 1970, c. 136, s. 68 (5).

Sheriffs, etc.,
to assist
referee

104. Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the referee in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificates of the referee, be paid such fees as they are entitled to for similar services at the sittings of the Supreme Court for the trial of causes. R.S.O. 1970, c. 136, s. 70, *amended*.

105.—(1) The referee has original jurisdiction,

Powers
of referee

- (a) to entertain any appeal with respect to the report of the engineer under section 47;
 - (b) to determine the validity of, or to confirm, set aside or amend any petition, resolution of a council, provisional by-law or by-law relating to a drainage works under this Act or a predecessor of this Act;
 - (c) to determine claims and disputes arising under this Act, including, subject to section 119, claims for damages with respect to anything done or purporting to have been done under this Act or a predecessor of this Act or consequent thereon;
 - (d) to entertain applications for orders directing to be done anything required to be done under this Act;
 - (e) to entertain applications for orders restraining anything proposed or purporting to be done under this Act or a predecessor of this Act; and
 - (f) over any other matter or thing in relation to which application may be made to him under this Act.
- R.S.O. 1970, c. 136, s. 73, *amended*.

(2) Subject to section 100, the referee has jurisdiction to hear appeals from any decision or order of the Tribunal and for such purpose may make any order that the Tribunal might have made and may substitute his opinion for that of the Tribunal. *New*.

Juris-
diction
of referee

(3) The referee has jurisdiction to entertain and dispose of any interlocutory application relating to any matter otherwise within his jurisdiction and his order thereon is final. R.S.O. 1970, c. 136, s. 82.

Idem

(4) The referee has power to determine all questions of fact or law that it is necessary to determine for the purpose of disposing of any matter within his jurisdiction and to make such decision, order or direction as may be necessary for such purpose. *New*.

Deter-
mination
of questions
of fact
or law

106.—(1) The referee may, with the approval of the Lieutenant Governor in Council, make rules regulating the practice and procedure to be followed in all proceedings before him under this Act and may prescribe tariffs and fees therefor. R.S.O. 1970, c. 136, s. 86.

Referee
may make
rules

Referee
may give
directions

(2) The referee may give directions relating to the conduct of proceedings before him and as to the persons who shall be parties to such proceedings. R.S.O. 1970, c. 136, s. 68 (1), *amended*.

Taxation
of costs

107. Costs shall be taxed by the referee, or he may direct the taxation thereof by the clerk of the county court with whom the papers are filed or by a taxing officer of the Supreme Court. R.S.O. 1970, c. 136, s. 88.

Costs in
discretion
of referee

108. The costs of any proceedings before the referee are in the discretion of the referee. R.S.O. 1970, c. 136, s. 72 (3), *amended*.

Tariff
of costs

109. In the absence of other provisions, the tariff of costs in any application or proceeding under this Act shall be that of the court that would have jurisdiction to try a civil action involving a similar amount of money or type of proceeding. R.S.O. 1970, c. 136, s. 87.

Proceedings
instituted
by notice

110.—(1) Proceedings for the determination of claims and disputes and for the recovery of damages, or for an order directing or restraining the doing of any act or thing shall be instituted by serving ten clear days notice setting forth the grounds of the claim upon all persons concerned.

Notice
filed
in county
court

(2) A copy of the notice with an affidavit of service thereof shall be filed with the clerk of the county court of the county in which the initiating municipality is situate, and the notice shall be filed and served within two years from the time the cause of complaint arose. R.S.O. 1970, c. 136, s. 74, *amended*.

Affidavits
filed
before
motion

111. All affidavits intended to be used in support of a motion shall be filed with the clerk of the county court not fewer than five days before the return day of the motion. R.S.O. 1970, c. 136, s. 75.

Extension
of time
for appeal

112. The referee may, where he considers it proper, extend the time otherwise limited for appeals or other proceedings. *New*.

When
referee
proceeds
on view

113. When the referee proceeds partly on view or on any special knowledge or skill possessed by him, he shall put in writing a statement thereof sufficiently full to allow the Divisional Court to form a judgment of the weight that should be given thereto, and he shall state as part of his reasons the effect given by him to such statement. R.S.O. 1970, c. 136, s. 78, *amended*.

114. The decision of the referee, with the evidence, exhibits and statement, if any, of inspection or of technical knowledge and the reason for his decision, shall be filed in the office of the clerk of the county court in the county in which the initiating municipality is situate, and notice of the filing shall forthwith be given by the clerk, by prepaid mail, to the solicitors of the parties appearing by solicitor and to the other parties not represented by a solicitor, and also to the clerk of each municipality affected. R.S.O. 1970, c. 136, s. 79.

Clerk to forward notice of filing

115. A copy of the decision certified by the referee or clerk of the court shall be sent or delivered,

Copy of decision to be sent to Minister and municipality

(a) to the Minister without charge; and

(b) to the clerk of every municipality interested in the drainage works in question upon receipt of the sum chargeable therefor. R.S.O. 1970, c. 136, s. 80.

116. The provisional by-law or the by-law of the initiating municipality and of any other municipality interested shall be amended so as to incorporate and carry into effect the decision of the referee or such decision as varied on appeal, as the case may be. R.S.O. 1970, c. 136, s. 72 (1).

Amendment of by-law

117.—(1) Except as provided by subsections 2, 3 and 4, all damages and costs payable by a municipality and arising from proceedings taken under this Act shall be levied upon the lands and roads in any way assessed for the drainage works for construction, improvement, maintenance or repair in such manner as the referee or court may determine, and may be assessed, levied and collected in the same manner as rates assessed, levied and collected for maintenance under this Act.

Assessing of costs payable

(2) Where such damages and costs become payable owing to any improper action, neglect, default or omission on the part of the council of any municipality or of any of its officers or employees in the construction, improvement, maintenance or repair of the drainage works or in carrying out the provisions of this Act, the referee or court may direct that the whole or any part of such damages and costs shall be borne by the municipality and be payable out of the general funds thereof

Municipality in default to pay costs

(3) Where in any such proceedings by or against a municipality a settlement is made, the damages and costs payable under the terms of the settlement by any municipality shall be borne and paid as directed by the referee or court,

In cases of settlement

and in making such direction, the referee or court shall have regard to the provisions of subsection 2.

Where
extension
of drainage
works
necessary

(4) Where, in the opinion of the referee or court, damages and costs have become payable by reason of the insufficiency of the capacity or outlet of a drainage works and it is necessary in order to prevent a continuance of such damage to improve the drainage works, the referee or court may permit the council of the municipality to add such damages and costs to the engineer's estimate of the cost of any such improvement. R.S.O. 1970, c. 136, s. 77, *amended*.

Transfer
to other
court

118. Where an action is brought or is pending before the court of revision or the Tribunal or the referee and the matter should properly be heard by one of the other tribunals, the action may be transferred to the other tribunal without invalidating the proceedings provided the action was launched within the time limits prescribed in this Act. *New*.

Actions
may be
transferred
to referee

119.—(1) Where an action is brought or is pending and the court in which the action is brought or is pending or a judge thereof is of opinion that the relief sought therein is properly the subject of a proceeding under this Act or that it may be more conveniently tried before and disposed of by the referee, the court or judge may, on the application of either party, at any stage of the action make an order transferring it to the referee on such terms as appear just, and the referee shall thereafter give directions for the continuance of the action before him.

Limitation

(2) This section applies only where the action is brought within the period limited by this Act for taking proceedings on notice. R.S.O. 1970, c. 136, s. 76.

APPEAL TO DIVISIONAL COURT

Appeal from
decision
of referee

120. Except as otherwise provided in this Act, the decision of the referee or acting referee may be appealed from to the Divisional Court in accordance with the rules of court within thirty days after the filing thereof with the county court clerk or within such further time as the referee or Divisional Court or a judge thereof may allow. R.S.O. 1970, c. 136, s. 83, *amended*.

GENERAL

Inter-
provincial
drainage
works,
from
Ontario
into
adjoining
province

121.—(1) Where it is considered necessary or expedient to extend a drainage works constructed under this Act from Ontario into or through lands in an adjoining province, or to extend a drainage works from an adjoining province into or

through lands in Ontario, the Lieutenant Governor in Council may authorize the Minister to enter into an agreement with a designated officer of the adjoining province as to the proportion of the cost of any drainage works in the adjoining province to be borne and paid by Ontario and as to the proportion of the cost of any drainage works in Ontario to be borne and paid by the adjoining province.

(2) Where such a drainage works extends from Ontario into or through lands in an adjoining province, the Minister may order a local municipality in Ontario in which the lands affected by the drainage works are situate to provide funds to pay for the proportion of the cost of the drainage works in the adjoining province to be borne and paid by Ontario, and thereupon this Act applies *mutatis mutandis* to such drainage works. Apportionment of cost

(3) Where a drainage works extends from an adjoining province into or through lands in Ontario, the Minister may order a local municipality into which the drainage works extends to provide for the construction of the necessary drainage works, and thereupon this Act applies *mutatis mutandis* to such drainage works, and the contribution to the drainage works from the other province shall be paid to such local municipality on the completion of the drainage works. Extension of drainage works from adjoining province
R.S.O. 1970, c. 136, s. 11.

122. The Minister in his discretion and from time to time may prescribe the manner in which a drainage works shall be initiated and carried out in territory without municipal organization and the manner in which and the terms and conditions under which grants may be made. R.S.O. 1970, c. 136, s. 65 (1). Initiation of drainage works in unorganized territory

123. Where the Minister declares that an emergency exists, the council of a municipality may authorize emergency work under this Act before obtaining and adopting an engineer's report. *New.* Authorization of emergency work

124. The Lieutenant Governor in Council may make regulations prescribing forms and providing for their use. *New.* Regulations

125. Notwithstanding section 126, all proceedings commenced under *The Drainage Act* that are not completed before this Act comes into force shall be continued and completed in accordance with *The Drainage Act*. Transitional R.S.O. 1970, c. 136

- Repeal **126.** *The Drainage Act*, being chapter 136 of the Revised Statutes of Ontario, 1970, is repealed.
- Commence-
ment **127.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Short title **128.** This Act may be cited as *The Drainage Act, 1975*.

The Drainage Act, 1975

1st Reading

June 27th, 1975

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

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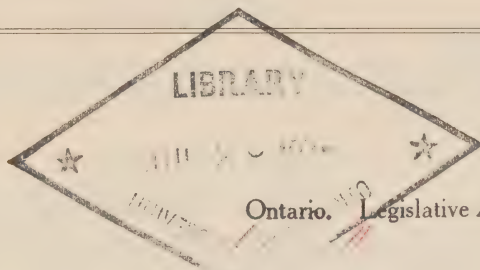
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Publications

BILL 130

Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975



The Drainage Act, 1975

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Reprinted as amended by the Committee of the Whole House)

TORONTO

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EXPLANATORY NOTE

The Bill updates and revises *The Drainage Act*. Many of the recommendations of the Select Committee on Land Drainage have been incorporated in the Bill.

Some of the features of the Bill are as follows:

1. The petition requirements have been changed so that a majority of the owners of property in the area requiring drainage or the owners of at least 60 per cent of the acreage in the area requiring drainage represent a valid petition.
2. A drainage works initiated by a requisition can be changed to the petition procedure after receipt of the engineer's preliminary report if the above requirements for a petition can be satisfied at that time.
3. The council of an initiating municipality can request a preliminary engineer's report to evaluate a proposed drainage works before major expense for a detailed engineer's report has been incurred.
4. A conservation authority or the regional office of the Ministry of Natural Resources or a local municipality can request an environmental appraisal of a proposed drainage works.
5. Provision is made for the Minister or a local municipality to obtain a benefit cost statement in respect of a drainage works.
6. Provision is made for the appointment of a municipal drainage superintendent. The drainage superintendent will set out a program for routine maintenance of all drainage systems within the municipality, and will supervise the repair and maintenance of the drainage works. His salary will be paid 50 per cent from provincial grants and 50 per cent from the general funds of the municipality.
7. Maintenance and repair undertaken on the recommendation of the drainage superintendent will be eligible for provincial grants at the same rate as new construction.
8. The Ontario Drainage Tribunal is established to hear appeals on the technical aspects of drainage. This authority was previously vested partly in the referee and partly in a county court judge.
9. The referee will now hear only appeals dealing essentially with questions of law.
10. Various municipal costs for meetings are to be charged to the general funds of the municipality rather than to the costs of drainage works.

The Drainage Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pretation

1. "benefit" means the advantages to any lands, roads, buildings or other structures from the construction, improvement, repair or maintenance of a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface or subsurface water, or any other advantages relating to the betterment of lands, roads, buildings or other structures;
2. "benefit cost statement" means a statement relating the anticipated benefits expressed in dollars to the total estimated cost of the drainage works;
3. "built-up area" means an area of land where,
 - i. not less than 50 per cent of the frontage upon one side of a road for a distance of not less than 600 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or
 - ii. not less than 50 per cent of the frontage upon both sides of a road for a distance of not less than 300 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or
 - iii. not more than 600 feet of a road separates any land described in subparagraph i or ii from any other land described in subparagraph i or ii, or
 - iv. a plan of subdivision has been registered;

R.S.O. 1970,
c. 78

4. "commissioner" means a commissioner appointed by a municipality by by-law;
5. "conservation authority" means a conservation authority established under *The Conservation Authorities Act*;
6. "county" includes a provisional judicial district;
7. "county court" includes a district court;
8. "court of revision" means a court of revision constituted under this Act;
9. "Director" means the Director appointed for the purposes of this Act;
10. "drainage superintendent" means a drainage superintendent appointed by a municipality by by-law;
11. "drainage works" includes a drain constructed by any means, including the improving of a natural watercourse, and includes works necessary to regulate the water table or water level within or on any lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof;
12. "engineer" means an engineer registered under *The Professional Engineers Act* or a surveyor registered under *The Surveyors Act*, or a partnership, association of persons or corporation that holds a certificate of authorization under *The Professional Engineers Act* or *The Surveyors Act*, as the case may be;
13. "improvement" means any modification of or addition to a drainage works intended to increase the effectiveness of the system;
14. "initiating municipality" means the local municipality undertaking the construction, improvement, repair or maintenance of a drainage works to which this Act applies;
15. "injuring liability" means the part of the cost of the construction, improvement, maintenance or repair of a drainage works required to relieve the owners of any land or road from liability for injury caused by water artificially made to flow from such land or road upon any other land or road;

R.S.O. 1970,
cc. 366, 452

16. "lateral drain" means a drain that is designed for the drainage of one property and that begins and ends on the same property;
17. "maintenance" means the preservation of a drainage works;
18. "Minister" means the Minister of Agriculture and Food;
19. "outlet liability" means the part of the cost of the construction, improvement or maintenance of a drainage works that is required to provide such outlet or improved outlet;
20. "owner" includes a committee of the estate of a mentally incompetent person or of a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested;
21. "preliminary report" means an engineer's report containing the information specified in section 10;
22. "property" means a parcel of land that by *The Assessment Act* is required to be separately assessed; R.S.O. 1970.
c. 32
23. "public utility" means a person having jurisdiction over any water works, gas works, electric heat, light and power works, telegraph and telephone lines, railways however operated, street railways and works for the transmission of gas, oil, water or electrical power or energy, or any similar works supplying the general public with necessities or conveniences;
24. "referee" means the referee appointed under this Act;
25. "repair" means the restoration of a drainage works to its original condition;
26. "report" means an engineer's report containing the information specified in section 8;
27. "road authority" means a body having jurisdiction and control of a common or public highway or road, or any part thereof, including a street, bridge and any other structure incidental thereto and any part thereof;
28. "special benefit" means any additional work or feature included in the construction, repair or improvement of a drainage works that has no effect on the functioning of the drainage works;

29. "sufficient outlet" means a point at which water can be discharged safely so that it will do no damage to lands or roads;
30. "Tribunal" means The Ontario Drainage Tribunal established under this Act. R.S.O. 1970, c. 136, s. 1, *amended*.

MUTUAL AGREEMENT DRAINS

Mutual
agreement
re drainage
works

2.—(1) When two or more owners of land desire to construct or improve a drainage works on any of their lands and are willing to pay the cost thereof, they may enter into a written agreement for the construction, improvement, financing and maintenance of such drainage works, which shall include the following:

1975, c....

1. A reference to *The Drainage Act, 1975*.
2. Descriptions of the lands of the parties to the agreement sufficient for the purposes of registration in the proper land registry office.
3. The estimated cost of the drainage works.
4. A description of the drainage works, including its nature and approximate location.
5. The proportion of the cost of the construction, improvement and maintenance of the drainage works that is to be borne by each of the owners of the lands.
6. The date the agreement was entered into.
7. An affidavit of a subscribing witness to the execution of the agreement by the parties sufficient for the purposes of registration in the proper land registry office.

Filing
of agreement

(2) A copy of the agreement and the plans and schedules, if any, of the proposed drainage works may be filed with the clerk of the local municipality in which the land or any part thereof is situate, and the agreement or an executed copy thereof may be registered in the proper land registry office.

Registered
agreement
binding on
successors

(3) An agreement made under this section shall, upon registration in the proper land registry office of the agreement or an executed copy thereof, be binding upon the heirs, executors, administrators, successors and assigns of each party to the agreement.

(4) The subsequent provisions of this Act do not apply to any drainage works constructed under this section. R.S.O. 1970, c. 136, s. 2, *amended*. Exception

REQUISITION DRAINS

3.—(1) Where it is necessary, for the proper drainage of any lands, that a drainage works should be constructed thereon or constructed thereon and through the land of one or more adjacent owners, the owner of the land requiring or to be benefitted by such drainage may file with the clerk of the local municipality in which the land is situate a requisition in the Form prescribed by the regulations requesting that an engineer be appointed. R.S.O. 1970, c. 136, s. 4 (1), *amended*. Drainage works constructed on requisition

(2) Upon filing the requisition, the owner shall deposit with the clerk of the municipality the sum of \$300 to be used toward defraying the expenses incurred consequent thereon, which sum shall be taken into consideration by the engineer in apportioning costs. R.S.O. 1970, c. 136, s. 4 (2), *amended*. Deposit for expenses

(3) No drainage works, the total estimated cost of which will exceed \$7,500, shall be constructed under this section. R.S.O. 1970, c. 136 s. 4 (3), *amended*. Limit of cost

(4) For the purposes of calculating the total estimated cost in subsection 3, the cost of crossing lands occupied by the works of a public utility or road authority shall not be included. *New*. Cost not included

(5) Only lands lying within 2,500 feet from the sides of the drainage works and land lying within 2,500 feet from the upstream point of commencement of the drainage works may be assessed under this section. R.S.O. 1970, c. 136, s. 4 (4), *amended*. Limit of area to be assessed

(6) The council of the local municipality, upon the filing of the requisition, shall, by by-law or resolution, appoint an engineer to make an examination of the area and to make a preliminary report. R.S.O. 1970, c. 136, s. 4 (6) *part*, *amended*. Duty of council

(7) The engineer shall, before making his examination and report, cause the clerk of the local municipality to send to each owner of land and to each public utility that may be affected by such drainage works as set out in the requisition at least seven days written notice in the Form prescribed by the regulations by prepaid mail, addressed to each such owner at his address as shown by the last revised assessment roll, of the date, time and place of an on-site meeting with the engineer to examine the area. R.S.O. 1970, c. 136, s. 4 (6), *part*, *amended*. Notice of examination

- Statements (8) The engineer shall file with his preliminary report a benefit cost statement and a statement of the anticipated effects of the drainage works on the local environment.
- Engineer to set out requirements (9) The engineer in his preliminary report shall set out the requirements for a petition sufficient to comply with section 4.
- Duty of council (10) Upon the filing of the engineer's preliminary report, the council of the local municipality shall cause the clerk to send by prepaid mail to each owner of lands to be affected by the drainage works as set out in the requisition and to the Minister, a notice stating the name or other designation of the drainage works and the date of the council meeting at which the preliminary report will be considered.
- Copy of report, etc. (11) A copy of the preliminary report, the benefit cost statement and the statement of the anticipated effect on the local environment must accompany each notice sent under subsection 10.
- Duty of clerk (12) Unless the owner who filed the requisition files with the clerk of the local municipality a petition sufficient to comply with section 4 within sixty days of the meeting at which the report was considered, the clerk shall send, by prepaid mail, to such owner, notice that unless the requisition is withdrawn or a petition is filed within thirty days from the date the notice was sent, the council of the local municipality shall instruct the engineer to prepare a report.
- Power of council (13) Where a petition sufficient to comply with section 4 is filed within the time limits prescribed by subsection 12, the council of the local municipality shall proceed in the manner prescribed for a petition under section 4.
- Duty of council (14) Unless the requisition is withdrawn or a petition is filed with the council of the local municipality within the time limits prescribed by subsection 12, the council by by-law or resolution shall instruct the engineer to prepare a report. *New.*
- Idem (15) Notwithstanding any other provision of this Act, upon the filing of the report, unless the requisition is withdrawn, the council of the local municipality shall, subject to any appeal that may be taken, adopt the report and proceed to implement it in accordance with this Act. R.S.O. 1970, c. 136, s. 4 (8), *amended.*
- Appeals (16) Upon the filing of a report, an appeal lies therefrom to the same tribunals and as nearly as may be possible in

the same manner and on the same grounds as in the case of a report for the construction of a drainage works commenced by petition under section 4.

(17) Where the requisition is withdrawn or the drainage works is not proceeded with under requisition as a result of an appeal, the owner who filed the requisition is chargeable with and liable to the municipality for the expenses incurred by the municipality in connection with the requisition, and the sum with which such owner is chargeable shall be entered upon the collector's roll for the municipality against the lands of the owner, and shall be collected in the same manner as real property taxes. *New.* Collection of expenses

(18) Every ditch constructed under *The Ditches and Water-courses Act* shall be maintained in accordance with the award of the engineer providing for such maintenance until such ditch is brought under the provisions of this Act by requisition in the manner prescribed by subsection 1 or by petition as set out in section 4. *R.S.O. 1970, c. 136, s. 4 (9), amended.* Existing ditches
R.S.O. 1960,
c. 109

PETITION DRAINS

4.—(1) A petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by, Petition

- (a) the majority in number of the owners, as shown by the last revised assessment roll of lands in the area, including the owners of any roads in the area;
- (b) the owner or owners, as shown by the last revised assessment roll, of lands in the area representing at least 60 per cent of the acreage in the area;
- (c) where a drainage works is required for a road or part thereof, the engineer or road superintendent appointed under *The Public Transportation and Highway Improvement Act* and having jurisdiction over such road or part; or R.S.O. 1970,
c. 201
- (d) where a drainage works is required for the drainage of lands used for agricultural purposes, the Director.

(2) A petition under subsection 1 shall be in the Form prescribed by the regulations and, where it is filed by an owner or owners under clause *a* or *b* of subsection 1, shall be signed by such owner or owners. Form of petition

Petition
where area
lies on
each side of
boundary
line

(3) Where it is desired to construct a drainage works for the drainage of an area composed of lands or roads lying on each side of a boundary line between two or more local municipalities, the council of any of them may proceed upon a petition as required by this Act in all respects, including the sending of notices, as if such area were entirely within the limits of the municipality.

Person
deemed
owner

(4) Where a person who is the owner of land, but does not appear by the last revised assessment roll of the municipality to be the owner, is a petitioner, he shall be deemed an owner if his ownership is proved to the satisfaction of the clerk, and, if the person who appears by the assessment roll to be the owner is a petitioner, his name shall be disregarded in determining the sufficiency of the petition.

Persons
jointly
assessed

(5) Where two or more persons are jointly assessed for a property, in determining the sufficiency of a petition they shall be deemed to be one owner and only one such person may sign the petition. *New.*

Drainage
works
constructed
on petition

5.—(1) Where a petition in accordance with section 4 has been filed, the council shall forthwith consider the petition and shall, within thirty days after the filing of the petition,

- (a) if it decides not to proceed with the drainage works, give written notice of its decision to each petitioner; or
- (b) if it decides to proceed with the drainage works, give written notice of the petition and of its decision to each petitioner, the clerk of each local municipality that may be affected, and the conservation authority that has jurisdiction over any lands in the area or, if no such conservation authority exists, the Minister of Natural Resources.

Appeal
to
Tribunal

(2) Where a petitioner,

- (a) receives notice under clause *a* of subsection 1 of a decision of the council not to proceed with the drainage works; or
- (b) has not, within thirty days after the filing of the petition, received notice of a decision of the council,

the petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area

described in the petition, the Minister may refer the matter to the Tribunal, and the Tribunal may confirm the decision of the council or direct the council to make such decision and to take such action as the council is authorized to take under this Act and as the Tribunal considers proper. *New.*

6.—(1) Upon receipt of a notice from the initiating municipality under subsection 1 of section 5, a local municipality, conservation authority or the Minister of Natural Resources, as the case may be, may send to the council of the initiating municipality within thirty days a notice that an environmental appraisal of the effects of the drainage works on the area is required, and the cost thereof shall be paid by the party who requested it. Notice that environmental appraisal is required

(2) The council of the initiating municipality may obtain an environmental appraisal on its own initiative, the cost of which shall be paid by the municipality from its general funds. Authorization for environmental appraisal

(3) The party requesting the environmental appraisal or the council of the initiating municipality, as the case may be, within forty days of receiving the account therefor, may appeal to the Tribunal, and the Tribunal may confirm or vary the account as it considers proper. *New.* Appeal

7.—(1) The council of any local municipality to which notice was given under subsection 1 of section 5 or the Minister may send to the council of the initiating municipality within thirty days a notice that a benefit cost statement is required and the cost of preparing such statement shall be paid by the party who required it. Benefit cost statement

(2) The council of the initiating municipality may obtain a benefit cost statement on its own initiative, the cost of which shall be paid by the municipality from its general funds. *New.* Idem

8.—(1) Where the council of the initiating municipality has decided to proceed with the drainage works described in a petition, the council shall, by by-law or resolution, appoint an engineer to make an examination of the area requiring drainage as described in the petition and to prepare a report which shall include, Appointment of engineer

- (a) plans, profiles and specifications of the drainage works;
- (b) an estimate of the total cost thereof;
- (c) an assessment of the amount or proportion of the cost of the works to be assessed against every parcel

of land and road for benefit, outlet liability and injuring liability;

(d) allowances, if any, to be paid to the owners of land affected by the drainage works; and

(e) such other matters as are provided for under this Act. R.S.O. 1970, c. 136, s. 3 (1), *part, amended*.

Where
engineer is a
corporation,
etc.

(2) Where the engineer appointed under this Act is a corporation, association or partnership, the appointee shall, within ten days of the date of appointment, notify the council of the name of the individual engineer who will have charge of the project and who will remain in charge until the report is filed and if for any reason the designated engineer ceases to be employed by the appointee, the appointee shall within ten days of such time notify the council of the name of his replacement.

Appeal
or referral
to Tribunal

(3) Where the council fails to appoint an engineer within sixty days after giving notice of its decision to proceed, any petitioner may appeal to the Tribunal or, where the petition was signed by the Director or where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal, and the Tribunal may direct the council to take such action as the council is authorized to take under this Act and as the Tribunal considers proper. *New*.

One report
on two or
more
petitions

(4) The council of the initiating municipality may instruct the engineer to make one report with respect to two or more petitions requiring drainage in two or more adjoining areas that require drainage. R.S.O. 1970, c. 136, s. 7 (1).

Notice

9.—(1) The engineer shall, before making his examination and report, cause the clerk of the local municipality to send at least seven days written notice in the Form prescribed by the regulations to each owner of lands within the area requiring drainage as described in the petition and to each public utility that may be affected by the petition setting out the time and place of an on-site meeting with the engineer to examine the area.

Duty of
engineer

(2) At the on-site meeting, the engineer shall,

(a) determine the area requiring drainage;

(b) determine whether the petition complies with section 4 for the area requiring drainage; and

- (c) where he is of opinion that the petition fails to so comply, establish the requirements for a petition to comply with section 4.

(3) Where the engineer is of opinion that the petition ^{Idem} complies with section 4, he shall proceed to prepare his report or a preliminary report, as the case may be.

(4) Where the engineer is of opinion that the petition ^{Report of engineer} does not comply with section 4, he shall so report to the council of the initiating municipality stating wherein the petition is deficient, the amount of his fees and by whom they shall be paid, and the council shall forthwith send a copy of such opinion to each petitioner.

(5) Where, within sixty days of the engineer's reporting ^{Fees to form part of costs} to council under subsection 4, a petition that complies with the requirements of section 4 is filed with the clerk of the council,

- (a) the council shall instruct the engineer to prepare his report, or a preliminary report, as the case may be; and
- (b) the fees mentioned in subsection 4 shall form part of the cost of the drainage works. *New.*

10.—(1) Where the council of the initiating municipality ^{Preliminary report} deems it expedient, it may, or if it has received notice under section 6 that an environmental appraisal is required, it shall instruct the engineer to prepare a preliminary report containing a sketched plan of the drainage works and an estimate of the cost thereof in so far as it is practicable to do so, and which shall include the environmental appraisal, if any, and the benefit cost statement, if any, and the engineer shall forthwith prepare and file such a preliminary report with the council.

(2) Upon the filing of the preliminary report, the council ^{Consideration of report} of the initiating municipality shall cause the clerk to send a copy of the preliminary report and a notice of the date of the council meeting at which the preliminary report will be considered, to,

- (a) every owner of land within the area requiring drainage as determined by the engineer or described in the petition, as the case may be;
- (b) any public utility or road authority that may be affected by the drainage works;

(c) any local municipality and conservation authority entitled to notice under section 5, or if no authority is entitled to notice, to the Minister of Natural Resources; and

(d) the Minister.

Withdrawal
from
petition

(3) At the meeting referred to in subsection 2, the council shall consider the preliminary report and shall give to any person who signed the petition an opportunity to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and to any person present who owns land in the area requiring drainage and has not signed the petition an opportunity to do so.

Cost of
petition and
preliminary
report

(4) If at the end of the meeting the petition does not contain a sufficient number of names to comply with section 4, the original petitioners are chargeable in equal shares with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and preliminary report, excluding the amount of any grants and the costs of any environmental appraisal or benefit cost statement, and the sum with which each of such petitioners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the person liable and shall be collected in the same manner as real property taxes.

Instruction
to engineer

(5) If at the end of the meeting, the petition contains a sufficient number of names to comply with section 4, the council may instruct the engineer to proceed with the preparation of his report.

Appeal to
Tribunal

(6) Where the council of the initiating municipality fails to instruct the engineer to proceed with the preparation of his report, any petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal and the Tribunal may direct the council to take such action as the council is authorized to take under this Act and as the Tribunal considers proper.

Idem

(7) Where any party mentioned in clause *a*, *b* or *c* of subsection 2 is dissatisfied with the environmental appraisal, an appeal lies to the Tribunal.

Referral to
Tribunal

(8) Where,

(a) lands used for agricultural purposes are included in the area to be drained, the Minister; or

(b) a conservation authority or regional office of the Ministry of Natural Resources reports to the Minister

of Natural Resources that the environmental appraisal is unsatisfactory, the Minister of Natural Resources,

may refer the environmental appraisal to the Tribunal.

(9) An appeal under subsection 7 or a reference under subsection 8 shall be made within forty days after the meeting referred to in subsection 2, and the Tribunal may confirm the environmental appraisal or direct that it be reconsidered in such respects as the Tribunal considers proper. *New.* Powers of Tribunal

ENGINEER'S REPORT

11. The engineer shall, to the best of his skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to him in connection with any drainage works and make a true report thereon. R.S.O. 1970, c. 136, s. 5. Duties of engineer

12.—(1) The engineer or any of his assistants when engaged in the performance of their duties during or after the examination of the locality may enter, measure along, ascertain the bearings of any line, plant the stakes that they consider necessary for the performance of the work and take levels on the land of any person. R.S.O. 1970, c. 136, s. 6 (1). Power to enter on lands

(2) Every person who wilfully interferes with or obstructs the engineer or any of his assistants in the exercise of the powers conferred by this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 136, s. 6 (2), *amended*. Offence, obstruction of engineer

13.—(1) The engineer in making his survey shall establish sufficient bench marks or permanent levels by which a drainage works may be governed, and shall in his report record the description, location and elevation of every bench mark or permanent level. R.S.O. 1970, c. 136, s. 7 (3). Duties re survey

(2) Every person who interferes with, removes or destroys any bench mark or permanent level established under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 136, s. 7 (4), *amended*. Offence, interference with bench marks

14.—(1) Subject to subsection 2, the construction of a drainage works by means of the improvement of a natural watercourse shall not include a covered drainage works, Providing capacity for covered drainage works

unless the part of the drainage works in which the covered drainage works is included provides capacity for all the surface water from the lands and roads draining naturally towards and into it and for all the waters from all the lands and roads assessed for the drainage works. R.S.O. 1970, c. 136, s. 3 (3), *amended*.

Covered
drainage
works may
be employed

(2) A covered drainage works may be employed in conjunction with an open drain provided that the total capacity of the system is sufficient for the purposes of subsection 1. *New.*

Sufficient
outlet

15. Subject to section 32, every drainage works constructed under this Act shall be continued to a sufficient outlet. R.S.O. 1970, c. 136, s. 4 (5), *amended*.

Report re
disposal
of material
taken from
drainage
works

16. The engineer in his report shall determine in what manner the material taken from any drainage works in the construction, improvement, repair, or maintenance thereof shall be disposed of. R.S.O. 1970, c. 136, s. 8 (1), *amended*.

Bridges and
culverts
on roads

17. The engineer in his report shall provide for the construction, enlargement or other improvement of any bridges or culverts throughout the course of the drainage works rendered necessary by the drainage works crossing any public road or part thereof. R.S.O. 1970, c. 136, s. 8 (2), *amended*.

Construction
of bridges,
etc.

18. Subject to section 33, the engineer in his report shall provide for the construction or the replacement, enlargement or other improvement of bridges, culverts, pumping stations and water gates rendered necessary by the drainage works and he shall include the cost of the construction or the replacement, enlargement or other improvement of such bridges, pumping stations, water gates and culverts, in his assessment for the construction, improvement, maintenance or repair of the drainage works, and they shall, for the purposes of maintenance or repair be deemed part of the drainage works. R.S.O. 1970, c. 136, s. 8 (4, 5), *amended*.

Engineer
may
recommend
abandonment
of drain

19. The engineer in his report may recommend the abandonment of any drain or part thereof that is no longer useful or that is being supplanted by a new drainage works. *New.*

Continuing
drainage
works
beyond
limits
of
municipality

20.—(1) Where it is considered necessary to continue a drainage works beyond the limits of the initiating municipality, the engineer employed by the council of such municipality may continue the drainage works on or along or across any road allowance or other boundary between any two or more municipalities, and from any such road allowance

or other boundary into or through any municipality until he reaches a sufficient outlet.

(2) A drainage works shall not be deemed to be continued into a municipality other than the initiating municipality merely by reason of such drainage works or some part thereof being constructed on a road allowance forming the boundary line between two or more municipalities. R.S.O. 1970, c. 136, s. 10, *amended*. Where drainage works not deemed outside initiating municipality

ASSESSMENTS

21. The engineer in his report shall assess for benefit, outlet liability and injuring liability, and shall insert in an assessment schedule, in separate columns, the sums assessed for each opposite each parcel of land and road liable therefor. R.S.O. 1970, c. 136, s. 15 (1). Engineer to distinguish assessments

22. Lands, roads, buildings, utilities or other structures that are increased in value or are more easily maintained as a result of the construction, improvement, maintenance or repair of a drainage works may be assessed for benefit. *New*. Assessment for benefit

23.—(1) Lands and roads that use a drainage works as an outlet, or for which, when the drainage works is constructed or improved, an improved outlet is provided either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek or watercourse, may be assessed for outlet liability. Outlet liability, lands assessed for

(2) If, from any land or road, water is artificially caused by any means to flow upon and injure any other land or road, the land or road from which the water is caused to flow may be assessed for injuring liability with respect to a drainage works to relieve the injury so caused to such other land or road. Injuring liability, lands assessed for

(3) The assessment for outlet liability and injuring liability provided for in subsections 1 and 2 shall be based upon the volume and rate of flow of the water artificially caused to flow upon the injured land or road or into the drainage works from the lands and roads liable for such assessments. Basis of assessment

(4) The owners of the lands and roads made liable to assessment only under subsection 1 or 2 shall neither count for nor against the petition required by section 4 unless within the area therein described. R.S.O. 1970, c. 136, s. 16. Certain owners not to count for or against petition

24. The engineer may assess for special benefit any lands for which special benefits have been provided by the drainage works. *New*. Assessment for special benefit

Engineer
may
assess a
block, etc.

25.—(1) The council of the local municipality may direct the engineer to assess as a block, a built-up area designated by the council, and the sum assessed therefor may be levied against all the rateable properties in the designated area *pro rata* on the basis of the assessed value of the land and buildings.

Assessment
to be
charged
against
public
roads

(2) Where the engineer makes a block assessment under subsection 1, he shall designate the proportion of the assessment to be charged against the public roads in the designated area. *New.*

Increased
cost,
how borne

26. In addition to all other sums lawfully assessed against the property of a public utility or road authority under this Act, and notwithstanding that the public utility or road authority is not otherwise assessable under this Act, the public utility or road authority shall be assessed for and shall pay all the increase of cost of such drainage works caused by the existence of the works of the public utility or road authority. R.S.O. 1970, c. 136, s. 21 (3), *amended.*

Assessment
where
drainage
works
continued
beyond
limits of
municipality

27. Where a drainage works is continued into or through a municipality other than the initiating municipality under section 20, the engineer may assess, regardless of municipal boundaries, all lands and roads that, in his opinion, should be assessed for benefit, outlet liability or injuring liability, with such proportion of the cost of the drainage works as appears just, and in his report thereon he shall estimate separately the cost of the drainage works within each municipality and upon the road allowances or other boundaries. R.S.O. 1970, c. 136, s. 10 (1), *part, amended.*

Assessing
lands
in
neighbouring
municipality

28. Where any lands or roads in or under the jurisdiction of a local municipality, other than the local municipalities into or through which the drainage works passes, are, in the opinion of the engineer of the initiating or other municipality doing the work or part thereof, benefitted by the drainage works or provided with an improved outlet or relieved from injuring liability, he may assess the cost of the construction, improvement, maintenance or repair of the drainage works in the same manner as is provided in section 27. R.S.O. 1970, c. 136, s. 9, *amended.*

ALLOWANCES AND COMPENSATION

Allowances
for right
of way, etc.

29. The engineer in his report shall estimate and allow in money to the owner of any land that it is necessary to use,

(a) for the construction or improvement of a drainage works;

- (b) for the disposal of material removed from drainage works;
- (c) as a site for a pumping station to be used in connection with a drainage works; or
- (d) as a means of access to any such pumping station, if, in the opinion of the engineer, such right of way is sufficient for the purposes of the drainage works,

the value of any such land or the damages, if any, thereto. R.S.O. 1970, c. 136, s. 8 (8).

30. The engineer shall determine the amount to be paid to persons entitled thereto for damage, if any, to ornamental trees, lawns, fences, lands and crops occasioned by the disposal of material removed from a drainage works and shall include such sums in his estimates of the cost of the construction, improvement, repair or maintenance of the drainage works. R.S.O. 1970, c. 136, s. 8 (1), *amended*. Amount for damage to ornamental trees, etc.

31. Where an existing drain that was not constructed on requisition or petition under this Act or any predecessor of this Act is incorporated in whole or in part in a drainage works, the engineer in his report shall estimate and allow in money to the owner of such drain or part the value to the drainage works of such drain or part. R.S.O. 1970, c. 136, s. 8 (7), *amended*. Allowance for existing drains

32. Where, in the opinion of the engineer, the cost of continuing a drainage works to a sufficient outlet or the cost of constructing or improving a drainage works with sufficient capacity to carry off the water will exceed the amount of injury likely to be caused to low-lying lands along the course of or below the termination of the drainage works, instead of continuing the works to such an outlet, or making it of such capacity, he may include in his estimate of cost a sufficient sum to compensate the owners of such low-lying lands for any injuries they may sustain from the drainage works, and in his report he shall determine the amount to be paid to the owners of such low-lying lands in respect of such injuries. R.S.O. 1970, c. 136, s. 8 (9). Allowance for damage due to insufficient outlet

33. Where the engineer thinks it expedient to make an allowance for severance to an owner instead of providing for the construction or the replacement, enlargement or other improvement of a bridge, he shall in his report provide for payment to the owner of such amount as appears just by way of allowance for severance. R.S.O. 1970, c. 136, s. 8 (6). Allowance for severance

Prior
assessments
to be
taken
into
consideration

34. In fixing the sum to be assessed upon any land or road, the engineer may take into consideration any prior assessment or allowance on the same land or road for the construction, improvement, maintenance or repair of a drainage works and make such adjustment therefor as appears just, and in his report he shall state the adjustment so made. R.S.O. 1970, c. 136, s. 15 (2), *amended*.

Assessment
may be
shown
in money

35. The assessment upon any land or road for a drainage works shall be shown by the engineer placing in a schedule to his report sums of money opposite the land or road, and, where he considers it advisable, the fractional part of the whole cost to be borne by the land or road. R.S.O. 1970, c. 136, s. 14, *amended*.

Assessment
of affected
land

36. The engineer, in assessing the lands and roads requiring drainage or otherwise liable for assessment under this Act, shall show in his report the approximate number of acres affected by the drainage works in each parcel of land assessed for the drainage works. R.S.O. 1970, c. 136, s. 13.

Engineer
to assess
separately

37. The engineer in his report shall list separately the lands in each municipality that are assessed for a drainage works and shall indicate the assessment for the cost of lateral drains and the assessments of lands that are not agricultural lands. R.S.O. 1970, c. 136, s. 17.

Variation in
assessments
for
maintenance
and repair

38. Where the engineer considers it equitable that the cost of the maintenance and repair of a drainage works be assessed upon a basis different from that upon which the cost of its construction or improvement is assessed, he shall determine and report the basis upon which the cost of maintenance and repair of the drainage works or of any part or parts thereof shall be assessed. R.S.O. 1970, c. 136, s. 18, *amended*.

Time for
filing
report

39.—(1) The engineer shall file his report with the clerk of the initiating municipality as soon as it is completed or in any event within six months after his appointment, or within such further time as may be extended before or after the expiry of such six-month period by the council of the municipality by resolution. R.S.O. 1970, c. 136, s. 22 (1), *amended*.

Engineer
may forfeit
compensation

(2) Where, after thirty days notice by council, the engineer neglects to make his report within the time limited by or extended under this section, he shall forfeit all claims for compensation for the work done by him upon the drainage works, and the council of the local municipality may appoint another engineer. R.S.O. 1970, c. 136, s. 22 (2), *amended*.

(3) A by-law passed by the council of any local municipality for the construction of a drainage works under this Act shall not be quashed by reason only that the report of the engineer was not filed within the time limited by or extended under this section. R.S.O. 1970, s. 136, s. 22 (3).

By-law
not invalid
by reason
report
not filed

40. Where the engineer finds that a drainage works is not required or is impractical, or cannot be constructed under this Act, he shall forthwith file with the clerk of the initiating municipality a report to that effect, stating his reasons therefor, the amount of his fees and other charges and by whom they shall be paid, and the clerk shall forthwith send a notice of the filing of such report, by prepaid mail, to all persons who signed the petition or requisition, as the case may be, and the matter shall not be further proceeded with unless the decision of the engineer is reversed on appeal. R.S.O. 1970, c. 136, s. 8 (10).

Engineer's
finding,
drainage
works
not
required,
etc.

41.—(1) Upon the filing of the engineer's report, the council of the initiating municipality, if it intends to proceed with the drainage works, shall, within thirty days of the filing of the report, cause the clerk of the initiating municipality to send a copy of the report and a notice by prepaid mail stating,

Notice of
drainage
works

- (a) the date of the filing of the report;
- (b) the name or other designation of the drainage works; and
- (c) the date of the council meeting at which the report will be considered,

to

- (d) the owners, in the initiating municipality, as shown by the last revised assessment roll to be the owners of lands and roads assessed for the drainage works or for which compensation or other allowances have been provided in the report;
- (e) the clerk of every other local municipality in which any land or road that is assessed for the drainage works or for which compensation or other allowances have been provided in the report is situate;
- (f) the secretary-treasurer of each conservation authority that has jurisdiction over any land affected by the report;

- (g) any railway company, public utility or road authority affected by the report, other than by way of assessment;
- (h) the Minister of Natural Resources where land under his jurisdiction may be affected by the report; and
- (i) the Director. R.S.O. 1970, c. 136, s. 24 (1, 2), *amended*.

Clerk to
notify
persons
assessed

(2) The clerk of every other local municipality in which any land or road that is assessed for the drainage works or for which compensation or other allowances have been provided in the report is situate shall send within thirty days of the sending of the last notice under subsection 1 a copy of the report and notice by prepaid mail to the owners, as shown by the last revised assessment roll to be the owners of the lands and roads in such municipality assessed for the drainage works, or for which compensation or other allowance has been provided in the report stating,

- (a) the date of the filing of the report;
- (b) the name or other designation of the drainage works; and
- (c) the date of the council meeting of the initiating municipality at which the report will be considered. R.S.O. 1970, c. 136, s. 24 (3), *amended*.

Council
meeting for
consideration
of report

(3) The date of the council meeting at which the report will be considered shall be not less than ten days after the last notice has been mailed pursuant to subsections 1 and 2. R.S.O. 1970, c. 136, s. 24 (6), *amended*.

By-law
not to be
quashed

(4) A by-law passed by the council of any local municipality in connection with the construction of a drainage works under this Act shall not be quashed by reason only that any notices required under this section were not sent within the specified time limits. *New*.

Consideration
of report

42. The council of the initiating municipality at the meeting mentioned in section 41 shall consider the report, and, where the drainage works is requested on petition, shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and shall also give those present owning lands within the area requiring drainage who have not signed the petition an opportunity

to do so, and should any of the lands or roads owned by the municipality within the area requiring drainage as described in the petition be assessed, the council may by resolution authorize the head of the municipality to sign the petition for the municipality, and such signature counts as that of one person in favour of the petition. R.S.O. 1970, c. 136, s. 25, *amended*.

43. If, after striking out the names of the persons Liability of original petitioners withdrawing, the names remaining on the petition, including the names, if any, added as provided by section 42 do not comply with section 4, the original petitioners on their respective assessments in the report are chargeable *pro rata* with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and report and the sum with which each of such petitioners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the person liable, and shall be collected in the same manner as real property taxes. R.S.O. 1970, c. 136, s. 26 (2), *amended*.

44. If, at the end of such council meeting, the petition Sufficiency of petition contains a sufficient number of names to comply with section 4, the council may proceed to adopt the report, and, subject to section 59, no person having signed the petition shall, after the adoption of the report, be permitted to withdraw. R.S.O. 1970, c. 136, s. 26 (1), *amended*.

45.—(1) A report may be adopted by by-law in the Form Adoption of report prescribed by the regulations and, when such by-law is given two readings by council, the report shall be deemed to be adopted and the by-law shall be known as a provisional by-law. R.S.O. 1970, c. 136, s. 27.

(2) Where a report is not adopted by council, any petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal. *New.* Appeal or referral to Tribunal

46.—(1) The council of the initiating municipality shall, within five days after the adoption of the report, send a copy of the provisional by-law, exclusive of the engineer's report, and a notice of the time and place of the first sitting of the court of revision by prepaid mail to every other local municipality in which any land or road is assessed for the drainage works or for which allowance or compensation has been provided for in the report. Notice of court of revision to be sent to local municipalities and to owners

(2) The council of the initiating municipality and of every Idem local municipality to whom a copy of the provisional by-law

is sent under subsection 1 shall, within thirty days after the adoption of the report, send a copy of the provisional by-law, exclusive of the engineer's report, and a notice of the time and place of the sitting of the court of revision by prepaid mail to each owner entitled to notice under section 41 informing the owner that he may appeal his assessment to the court of revision by a notice given to the clerk of the initiating municipality not later than ten days prior to the first sitting of the court of revision. R.S.O. 1970, c. 136, s. 29, *amended*.

Sittings
of court

(3) The first sitting of the court of revision shall be held on a day not earlier than twenty nor later than thirty days from the date of completing the mailing of the copies of the provisional by-law under subsection 2. R.S.O. 1970, c. 136, s. 31 (2), *amended*.

APPEALS

Appeal
from
report
to referee

47.—(1) Any owner of land or public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that it does not comply with the requirements of this Act, or that the engineer has reported that the drainage works cannot be constructed under section 4, may appeal to the referee and in every case a written notice of appeal shall be served upon the council of the initiating municipality within forty days after the mailing of the notices under section 41. R.S.O. 1970, c. 136, s. 36, *amended*.

Notice to
court
clerk

(2) Upon receipt of a notice of appeal under subsection 1, the clerk of the municipality shall forthwith record the notice and send a copy of the notice to the clerk of the court of the referee. R.S.O. 1970, c. 136, s. 36, *amended*.

Appeal to
Tribunal

48.—(1) Any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that,

- (a) the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof;
- (b) the drainage works should be modified on grounds to be stated;
- (c) the compensation or allowances provided by the engineer are inadequate or excessive;
- (d) the engineer has reported that the drainage works is not required, or is impractical, or cannot be constructed under section 3,

may appeal to the Tribunal, and in every case a written notice of appeal shall be served within forty days after the mailing of the notice under section 40 or 41. R.S.O. 1970, c. 136, ss. 36, 37, *amended*.

(2) Where lands used for agricultural purposes may be affected by the drainage works, the Director may appeal to the Tribunal on any of the grounds and in the manner mentioned in subsection 1. *New*. Appeal by
Director

49. Where the proposed drainage works is to be undertaken within a watershed in which a conservation authority has jurisdiction, the authority may appeal from the report of the engineer to the Tribunal on the ground that the drainage works will injuriously affect a scheme undertaken by the authority under *The Conservation Authorities Act*, and in every case a written notice of appeal shall be served within forty days after the mailing of the notices under section 41. R.S.O. 1970, c. 136, s. 35, *amended*. Appeal by
conservation
authority

R.S.O. 1970,
c. 78

50.—(1) The council of any local municipality to which a copy of the report was sent under section 41 may, within forty days after the report is sent to the clerk, appeal to the Tribunal from the report by serving the clerk of the initiating municipality and the clerk of every other municipality assessed by the engineer with a written notice of appeal setting forth the reasons for such appeal. R.S.O. 1970, c. 136, s. 38 (1). Appeal by
municipality

(2) The reasons for appeal may be the following, or any of them, Reasons for
appeal

- (a) that the proposed drainage works as it affects the appealing municipality should be abandoned or modified, on grounds to be stated;
- (b) that the course of the drainage works or any part thereof should be altered;
- (c) that the drainage works does not provide a sufficient outlet;
- (d) that the drainage works should be carried to an outlet in the initiating municipality or elsewhere;
- (e) that a petition has been received by the council of the appealing municipality, as provided by section 4, for the enlargement by the appealing municipality of any part of a drainage works lying within its limits, and thence to an outlet, and that the council

is of opinion that such enlargement is desirable to afford drainage facilities for the area described in the petition;

(f) the work is unnecessary; or

(g) that the assessment against lands and roads within the limits of the appealing municipality and roads under its jurisdiction is illegal, unjust or excessive. R.S.O. 1970, c. 136, s. 38 (2), *amended*.

Powers of
Tribunal

51.—(1) On any appeal or reference to the Tribunal under this Act, the Tribunal shall hear and determine the matter and, where not so provided, may make such order and direct such things to be done as are authorized by this Act and as it considers proper to carry out the purposes of this Act.

Parties

(2) The parties to an appeal or reference to the Tribunal under this Act shall be the person making the appeal or reference and such other persons as the Tribunal may specify. *New.*

Appeals

52.—(1) Any owner of land assessed for the drainage works who complains that his or any other land or road has been assessed too high or too low or that any land or road that should have been assessed has not been assessed, or that due consideration has not been given as to type of use of land, may personally, or by his agent, appeal to the court of revision by giving notice in writing to the clerk of the initiating municipality setting out the grounds of his appeal, and the appeal shall be heard by the court of revision. R.S.O. 1970, c. 136, s. 31 (1), *amended*.

Notices of
appeal

(2) Every notice of appeal shall be given at least ten days before the first sitting of the court, but the court may, though notice of appeal has not been given, by resolution passed at its first sitting, allow an appeal to be heard on such conditions as to giving notice to all persons interested or otherwise as appear just. R.S.O. 1970, c. 136, s. 31 (3), *amended*.

Adjournment
of court
or Tribunal

53. When the ground of appeal is that lands or roads are assessed too high and the evidence adduced satisfies the court of revision or Tribunal that the assessments on such lands or roads should be reduced and there is no evidence to indicate that the amount of such reduction should be levied against lands or roads whose owners are parties to appeals then pending before the court of revision or Tribunal, the court or Tribunal shall adjourn the hearing of the appeal

for a time sufficient to enable the clerk to notify by prepaid mail such persons as the appellant may specify who are shown by the last revised assessment roll to be owners of land affected of the date to which the hearing is adjourned, and the clerk shall so notify all such persons, and at such adjourned hearing the court or Tribunal shall dispose of the matter of appeal and, where appropriate, redistribute the assessments in such manner as appears just. R.S.O. 1970, c. 136, s. 32, *amended*.

54.—(1) Any party to an appeal before the court of revision may appeal to the Tribunal by giving notice addressed to the clerk of the Tribunal, given to the clerk of the initiating municipality, from the decision of the court of revision or from its omission, neglect or refusal to hear or decide an appeal within twenty-one days of the pronouncement of the decision of the court of revision or of any matter evidencing such omission, neglect or refusal. R.S.O. 1970, c. 136, s. 33 (1), *amended*. Appeal to Tribunal

(2) The clerk of the Tribunal shall give ten days notice to an appellant of the time and place of the hearing of the appeal by the Tribunal. Notice

(3) Every appeal shall be heard by the Tribunal by way of a trial *de novo* and shall be disposed of by the Tribunal in such manner as it considers proper, and its decision is final. *New*. Procedure

55. In any appeal to the court of revision or to the Tribunal in which the engineer is called upon to give evidence as to how an assessment was determined, he shall give his evidence before the appellant presents his case. *New*. Evidence by engineer

56. Any change in an assessment made by the court of revision or by the Tribunal shall be given effect to by the clerk of the local municipality altering the assessments and other parts of the schedule to comply therewith and sending notice thereof to the owners affected, and the provisional by-law shall, before the passing thereof, be amended to carry out any changes so made by the court of revision or by the Tribunal. R.S.O. 1970, c. 136, s. 34, *amended*. Clerk to alter assessments

57. The council of the initiating municipality, at any time before passing the by-law, if it appears that there are or may be errors in the report of the engineer or that for any other reason the report should be reconsidered, may refer the report back to him for reconsideration, and the engineer shall thereupon reconsider his report and shall further report to the council, which report has the same effect and shall be Referral back to engineer

dealt with in the same manner and the proceedings thereon shall be the same as upon the original report. R.S.O. 1970, c. 136, s. 28, *amended*.

By-law
may be
passed

58.—(1) Where the council of an initiating municipality has adopted a report for the construction of a drainage works after the time for appealing has expired and there are no appeals or after all appeals have been decided, the council may pass a provisional by-law thereby authorizing the construction of the drainage works, and work may be commenced ten days after the by-law is passed if no notice of intention to make application to quash the by-law has been filed with the clerk of the council. R.S.O. 1970, c. 136, s. 40, *amended*.

Quashing
of by-law

(2) If no notice of intention to make application to quash a by-law is filed with the clerk of the council within ten days after the passing of the by-law or, where a notice of intention has been given, if an application to quash is not made to the referee within three months after the passing of the by-law, the by-law, or so much thereof as is not the subject of or is not quashed upon any such application, is valid and binding according to its terms, so far as it prescribes or directs anything within the proper competence of the council. R.S.O. 1970, c. 136, s. 44.

Repeal of
by-law

(3) A by-law may be repealed at any time before the work is commenced and before any assessment has been levied against the land assessed, and in such case the council of the initiating municipality shall pay all expenses in connection therewith out of the general funds of the municipality. R.S.O. 1970, c. 136, s. 42, *amended*.

Where
error in
report

(4) If, at any time after the by-law is passed and before any assessments are levied, a gross error in the report is found, the council of the initiating municipality may on notice to all persons assessed apply to the Tribunal to correct the error.

Appeal to
Tribunal

(5) Where the council does not proceed with reasonable dispatch with the construction of the work after passage of the by-law, a petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal, and the Tribunal may direct the council to take such action as the council is authorized to take under this Act and as the Tribunal considers proper. *New*.

Meeting
to consider
contract
price

59.—(1) Where the contract price exceeds 133 per cent of the engineer's estimate of the contract price, the council of the initiating municipality shall call a meeting in the

manner prescribed by section 41, and sections 42 and 43 apply *mutatis mutandis*.

(2) If at the close of the meeting the petition contains a sufficient number of names to comply with section 4, the council may proceed with the construction of the drainage works. *New.* Council may proceed with construction

60. The council of each local municipality to which a copy of the report is required to be sent under subsection 1 of section 41 shall raise and pay over to the treasurer of the initiating municipality its proportion of the cost of the construction of the drainage works within a reasonable time after the drainage works has been certified complete by the engineer or drainage superintendent. R.S.O. 1970, c. 136, s. 41 (1), *amended.* Municipalities required to raise cost

61.—(1) The council of each local municipality that is required to raise the whole or any part of the cost of the construction of the drainage works shall, forthwith after the time for appealing has expired and there are no appeals or after all appeals have been decided, by by-law impose upon the land assessed for the construction of the drainage works the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as the council may prescribe. R.S.O. 1970, c. 136, s. 41 (2), *amended.* Imposition of special assessment

(2) The council of any local municipality may provide that persons whose lands are assessed may commute for a payment in cash the assessments imposed thereon and may prescribe the terms and conditions thereof. R.S.O. 1970, c. 136, s. 41 (3). Commutation of special assessment

(3) Where the assessment against any parcel of land is \$50 or less, the council of the local municipality may provide that the assessment shall be paid out of the general funds of the municipality or that the assessment shall be paid in the first year in which the assessment is imposed upon the land assessed. R.S.O. 1970, c. 136, s. 41 (4), *amended.* Assessments of \$50 or less

(4) The assessments and rates imposed under this Act shall be deemed to be taxes, and the provisions of *The Municipal Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default of payment thereof, apply. R.S.O. 1970, c. 136, s. 41 (5). Application of R.S.O. 1970, c. 284

(5) Notwithstanding the provisions of any general or special Act, land exempt from taxation is for all purposes, except petitioning for or against undertaking a drainage works, subject to the provisions of this Act and shall be Lands exempt from taxation to be specially assessed

1974, c. 109

assessed, and the assessments so imposed that fall due while such land remains exempt from taxation shall be paid by the municipality that imposed the assessments, provided that such assessments imposed upon land on which a church or place of worship is erected and that is used in connection therewith, land of a university, college or seminary of learning, whether vested in a trustee or otherwise, and land of a board of an elementary or secondary school as defined in *The Education Act, 1974* and land owned by a county or a regional municipality, shall be paid by the owners of the land. R.S.O. 1970, c. 136, s. 41 (6), *amended*.

Amendment
of by-law

62.—(1) Any by-law for the assessment upon the lands and roads liable to contribute for any drainage works that has been acted upon by the completion of the drainage works in whole or in part shall, where more than sufficient funds or where insufficient funds have been provided for the completion of or proper contribution towards the drainage works or for the redemption of the debentures authorized to be issued thereunder as they become payable, be amended, and, if lands and roads in any other municipality are assessed for the drainage works, the surplus or deficiency of money shall be divided *pro rata* among the contributing municipalities, and every such surplus or deficiency shall be applied by the council of the municipality *pro rata* according to the assessment in payment of the rates imposed by it for the drainage works. R.S.O. 1970, c. 136, s. 48 (1, 3), *amended*.

When lands
and roads
in another
municipality
assessable

(2) Where a by-law provides insufficient funds and lands and roads in another municipality are assessed for the drainage works, the council of the initiating municipality shall appoint an engineer to make an examination of the drainage works and report upon it with an estimate of the cost of completion for which sufficient funds have not been provided under the original by-law, and shall notify the heads of the other local municipalities as in the case of the original report, and the council of any municipality so notified has a right of appeal to the Tribunal in the manner provided by section 50 on the grounds of the improper expending or unlawful or other application of the drainage money already raised and is subject to the same duty, as to raising and paying over its share of the money to be raised, as in the case of the original by-law. R.S.O. 1970, c. 136, s. 48 (2), *amended*.

Respon-
sibility
of owner
for
payment

(3) Where any allowance or compensation has been determined for an owner under sections 29 to 33, the council may, where the amount so determined is less than the total amount owing from that owner, deduct from that total the amount so determined and the owner shall be responsible for paying the balance in the manner prescribed by the by-law.

(4) Where any allowance or compensation mentioned in subsection 3 exceeds the total amount owing by the owner, the municipality shall pay the balance to him. *New.* Payment of balance

CONSTRUCTION

63.—(1) The contractor and his assistants when engaged in the construction, maintenance, improvement or repair of a drainage works may, with their equipment, enter upon whatever lands are necessary to complete the work within the working space designated in the engineer's report. Powers of contractor

(2) Every person who wilfully interferes with or obstructs the contractor or any of his assistants in the exercise of the powers conferred by subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. *New.* Penalty for obstruction

64. Any owner of land dissatisfied with the quality of the construction of a drainage works constructed under this Act may, at any time during construction or up to one year from the date of completion of the drainage works as certified by the engineer or drainage superintendent of the drainage works, appeal to the Tribunal on grounds to be stated. *New.* Appeal by owner of land

SPECIAL PROVISIONS

65.—(1) Subject to subsection 6, where a parcel of land has been assessed by an engineer and, after the final revision of the assessment, the parcel is divided by the change in ownership of any part, the clerk of the local municipality in which the parcel is situate shall instruct an engineer in writing to apportion the assessment charged against the parcel among the parts into which it is divided. Subsequent subdivision of land

(2) The clerk of the local municipality shall forthwith send a copy of the instructions by prepaid mail to the owners of the parts into which the parcel is divided. Notice to affected owners

(3) The engineer in making the apportionment shall have regard to the part of the parcel affected by the drainage works, and shall make the apportionment in writing and file it with the clerk of the local municipality who shall attach it to the original assessment and shall send, by prepaid mail, a copy thereof to each of such owners, and, subject to subsection 5, the apportionment is binding upon the lands assessed. R.S.O. 1970, c. 136, s. 19 (1-3). Apportionment of assessment

(4) The costs, including the fees of the engineer, shall be borne and paid by the parties in the manner fixed or Costs

apportioned by the engineer or, on appeal, by the Tribunal. R.S.O. 1970, c. 136, s. 19 (4), *amended*.

Appeal of
apportion-
ment

(5) Any such owner who is dissatisfied with such apportionment and who is assessed for a sum greater than \$200 may appeal to the Tribunal within forty days after the date a copy of the apportionment is sent to him by the clerk. R.S.O. 1970, c. 136, s. 19 (5), *amended*.

Agreement
on share
of
assessment

(6) When the owners of the subdivided land mutually agree on the share of the drainage assessment that each should pay, they may enter into a written agreement and file it with the clerk of the local municipality and, if the agreement is approved by the council by resolution, no engineer need be instructed under subsection 1. *New*.

Subsequent
connections
with drainage
works

66.—(1) Where an owner of land that is not assessed for a drainage works subsequently connects the land with the drainage works for the purpose of drainage or where the nature or extent of the use of a drainage works by land assessed for the drainage works is subsequently altered, an engineer appointed by the initiating municipality for the purpose shall make a report and assess the land for a just proportion of the drainage works, regard being had to any compensation paid to the owner of such land in respect of the drainage works, but no person shall connect such land to the drainage works without the approval of the council of the municipality. R.S.O. 1970, c. 136, s. 20 (1), *amended*.

Use of
amount
collected

(2) The amount collected under subsection 1 shall be credited to the account of the drainage works and shall be used only for the improvement, maintenance or repair of the whole or any part of the drainage works. R.S.O. 1970, c. 136, s. 20 (2), *amended*.

Tenant's
covenant
to pay taxes,
when to
include
drainage
assessments

67. Any agreement on the part of a tenant to pay the rates or taxes in respect of the demised land does not include the charges and assessments for a drainage works unless the agreement in express terms so provides, but, in cases of contract to purchase or of leases giving the lessee an option to purchase, the charges and assessments for a drainage works, in connection with which proceedings were commenced under this Act after the date of the contract or lease and which have already been paid by the owner, shall in the absence of any agreement to the contrary, be added to the price and shall be paid by the purchaser or the lessee where he exercises his option to purchase, but the amount still unpaid on the cost of the drainage works and charged against the lands shall be borne by the purchaser unless otherwise provided by the conveyance or agreement. R.S.O. 1970, c. 136, s. 47, *amended*.

68. Where compensation or allowance has been paid to the owner of any land under section 32 or 33, the clerk of the local municipality shall cause to be registered in the proper land registry office a copy of the by-law adopting the report together with a statement of the amount paid and a description of the land in respect of which the amount was paid in the Form prescribed in the regulations. *New.*

Registration
of by-law

69.—(1) Where a drainage works or a part thereof is to be constructed, improved, maintained or repaired upon, along, adjoining, under or across the lands, permanent way, transmission lines, power lines, wires, conduits or other permanent property of a public utility or road authority, the public utility or road authority may construct, improve, maintain or repair such drainage works or part. R.S.O. 1970, c. 136, s. 21 (1), *amended.*

Public
utility
or road
authority,
option to
construct
drainage
works

(2) Where the public utility or road authority does not exercise its powers under subsection 1 or does not complete such drainage works or part within a reasonable time and without unnecessary delay, such drainage works or part may be completed by the initiating municipality in the same manner as any other drainage works. R.S.O. 1970, c. 136, s. 21 (2), *amended.*

Non-exercise
by public
utility
or road
authority

70. The fees and expenditures of the engineer form part of the cost of the drainage works. R.S.O. 1970, c. 136, s. 23 (1).

Fees of
engineer
part of cost

71. The account of the engineer shall be set out in such detail as the council of the local municipality that appointed him may require. R.S.O. 1970, c. 136, s. 23 (2).

Account
of
engineer

72.—(1) The council of the local municipality, within forty days after the engineer's account is presented to the clerk of the municipality, may, on notice to the engineer, apply to the Tribunal, which shall review the account and make any alteration it considers just. R.S.O. 1970, c. 136, s. 23 (3), *amended.*

Review by
Tribunal

(2) Where the account as confirmed or altered by the Tribunal exceeds \$1,000, either party may, on notice to the other party, appeal the decision of the Tribunal to the referee, whose decision is final. R.S.O. 1970, c. 136, s. 36.

Appeal
to referee

(3) In any application made under subsection 1, it shall not be necessary to notify all persons assessed for the drainage works. *New.*

Non-
requirement
of notice

Costs to
be deemed
part of cost
of drainage
works

73.—(1) Except where otherwise provided in this Act or by a decision on an appeal, the cost of any application, reference or appeal and the cost of temporary financing for the construction, improvement, repair and maintenance of a drainage works, shall form part of the cost of the drainage works. R.S.O. 1970, c. 136, s. 46, *amended*.

Cost of
council
meetings

(2) The cost of council meetings and special council meetings shall not be included in the cost of the drainage works. *New*.

Fees of
clerk

(3) The council of a local municipality may by by-law provide for payment to the clerk of the municipality of reasonable fees or other remuneration for services performed by him in carrying out the provisions of this Act, but such fees or other remuneration shall not be deemed to form part of the cost of the drainage works. R.S.O. 1970, c. 136, s. 43, *amended*.

MAINTENANCE, REPAIR AND IMPROVEMENT

Maintenance
of drainage
works and
cost

74. Any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, relating to the construction or improvement of a drainage works by local assessment, shall be maintained and repaired by each local municipality through which it passes, to the extent that such drainage works lies within the limits of such municipality, at the expense of all the upstream lands and roads in any way assessed for the construction or improvement of the drainage works and in the proportion determined by the then current by-law pertaining thereto until, in the case of each municipality, such provision for maintenance or repair is varied or otherwise determined by an engineer in a report or on appeal therefrom. R.S.O. 1970, c. 136, s. 49, *amended*.

Service of
copy of
by-law
on municip-
ality liable
for con-
tribution
and appeal
from by-law

75.—(1) The council of any local municipality undertaking the repair of a drainage works without the report of an engineer, shall, before commencing the repairs,

- (a) give two readings to a by-law for undertaking such repairs, which by-law shall recite the description, extent and estimated cost of the repairs to be done and the amount to be contributed therefor by each local municipality affected by the drainage works and shall be known as a provisional by-law; and
- (b) serve upon the head or clerk of any municipality liable to contribute any portion of the cost of such repairs a copy of the provisional by-law,

and the council of any municipality so served may, within forty days thereafter, appeal from such by-law to the Tribunal on the ground that work provided for in the by-law is unnecessary or that such drainage works has never been completed through the default or neglect of the municipality whose duty it was to do the work. R.S.O. 1970, c. 136, s. 50 (1), *amended*.

(2) The council of every municipality served with a copy of the provisional by-law shall, forthwith after the time for appealing from such by-law has expired and there are no appeals or after all appeals have been decided, pass a by-law to raise the amount assessed against lands and roads in the municipality, as stated in the provisional by-law or as determined on appeal therefrom, and shall pay over such amount within a reasonable time to the Treasurer of the initiating municipality. R.S.O. 1970, c. 136, s. 50 (2). Council to furnish amount required

(3) The council of any municipality shall not be required to assess and levy the amount charged for maintenance or repair of a drainage works more than once in every five years if the total expense incurred does not exceed the sum of \$1,000, in which case sections 64 and 65 of *The Ontario Municipal Board Act* do not apply. R.S.O. 1970, c. 136, s. 57, *amended*. When levy for maintenance required
R.S.O. 1970, c. 323

76.—(1) The council of any local municipality liable for contribution to a drainage works in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the assessment for maintenance and repair of the drainage works may make an application to the Tribunal, of which notice has been given to the head of every other municipality affected by the drainage works, for permission to procure a report of an engineer to vary the assessment, and, in the event of such permission being given, such council may appoint an engineer for such purpose and may adopt the report but, if all the lands and roads assessed or intended to be assessed lie within the limits of one local municipality, the council of that municipality may procure and adopt such report without such permission. R.S.O. 1970, c. 136, s. 51 (1), *amended*. Varying original assessments for maintenance

(2) The proceedings upon such report shall be the same, as nearly as may be, as upon the report for the construction of the drainage works. R.S.O. 1970, c. 136, s. 51 (2). Proceedings on report of engineer

(3) Any council served with a copy of such report may, within forty days of such service, appeal to the Tribunal from the finding of the engineer as to the portion of the cost of the drainage works for which the municipality is liable. R.S.O. 1970, c. 136, s. 51 (3), *amended*. Appeal from report of engineer

Appeal from
assessment

(4) Any owner of land assessed for maintenance or repair may appeal from the assessment in the report on the grounds and in the manner provided by section 52 in the case of the construction of the drainage works. R.S.O. 1970, c. 136, s. 51 (4), *amended*.

Basis of
future
assessments

(5) An assessment determined under this section shall thereafter, until it is further varied, form the basis of any assessment for maintenance or repair of the drainage works affected thereby. R.S.O. 1970, c. 136, s. 51 (5).

Deepening,
widening
or extending
without
report
of engineer

77.—(1) The council of any local municipality whose duty it is to maintain and repair a drainage works for which only lands and roads within or under the jurisdiction of the municipality are assessed may, after the completion of the drainage works, without the report of an engineer, upon a *pro rata* assessment on the lands and roads as last assessed for the construction, maintenance or repair of the drainage works, make improvements thereto by deepening, widening or extending the drainage works to an outlet, provided the cost of such deepening, widening or extending is not more than \$4,500, but the amount expended may be increased to 20 per cent of the initial cost of the drainage works upon receiving approval as set out in the requirements for a petition of those parties eligible to sign a petition under section 4. R.S.O. 1970, c. 136, s. 52 (1), *amended*.

Moving
drainage
works off
road

(2) Where any road authority desires to relocate a drainage works or part thereof that is on or adjacent to a road under its jurisdiction, upon the report of an engineer appointed by the municipality whose duty it is to maintain and repair the drainage works that the drainage works or part thereof can be moved to a specified new location without impairing the capacity or efficiency of such drainage works or adversely affecting any person or property, the council of a local municipality may authorize such relocation within the boundaries of the municipality at the expense of the road authority. R.S.O. 1970, c. 136, s. 52 (2), *amended*.

Improving,
upon
examination
and report
of engineer

78.—(1) Where, for the better use, maintenance or repair of any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, or of lands or roads, it is considered expedient to change the course of the drainage works, or to make a new outlet for the whole or any part of the drainage works, or to construct a tile drain under the bed of the whole or any part of the drainage works as ancillary thereto, or to construct, reconstruct or extend embankments, walls, dykes, dams, reservoirs, bridges, pumping stations and other protective works as ancillary to the drainage works, or to otherwise improve,

extend to an outlet or alter the drainage works or to cover the whole or any part of it, or to consolidate two or more drainage works, the council of any municipality whose duty it is to maintain and repair the drainage works or any part thereof may, without the petition required in section 4 but on the report of an engineer appointed by it, undertake and complete the drainage works as set forth in such report. R.S.O. 1970, c. 136, s. 53 (1), *amended*.

(2) An engineer shall not be appointed under subsection 1 until thirty days after a notice advising of the proposed drainage works has been sent by prepaid mail to the secretary-treasurer of each conservation authority that has jurisdiction over any of the lands that would be affected. R.S.O. 1970, c. 136, s. 53 (2), *amended*. Notice to conservation authority

(3) The engineer has all the powers and shall perform all the duties of an engineer appointed with respect to the construction of a drainage works under this Act. Powers and duties of engineer

(4) All proceedings, including appeals, with respect to a report under subsection 1 and the assessments therein shall be the same as on a report for the construction of a drainage works and the assessments therein. R.S.O. 1970, c. 136, s. 53 (3, 4). Proceedings on report and appeals

79.—(1) Upon thirty days notice in writing served by any person whose property is injuriously affected by the condition of a drainage works, upon the head or clerk of the local municipality whose duty it is to maintain and repair the drainage works, the municipality is compellable by an order of the referee to exercise the powers and to perform the duties conferred or imposed upon it by this Act as to maintenance and repair or such of the powers and duties as to the referee appears proper, and the municipality is liable in damages to the owner whose property is so injuriously affected. R.S.O. 1970, c. 136, s. 54 (1), *amended*. Power to compel repairs

(2) Notwithstanding subsection 1, the local municipality whose duty it is to maintain and repair drainage works shall not become liable in damages to any person whose property is injuriously affected by reason of the non-repair of the drainage works until after service by or on behalf of such person of the notice referred to in subsection 1 upon the head or clerk of the municipality, describing with reasonable certainty the alleged lack of maintenance and repair of the drainage works. R.S.O. 1970, c. 136, s. 54 (2). Municipality liable for damages caused by non-repair

(3) The local municipality whose duty it is to maintain and repair a drainage works is not liable in damages for No liability where drainage works blocked by ice or snow

any injury caused by reason of a drainage works being blocked by snow or ice and overflowing the lands of any person without negligence on the part of the municipal corporation. R.S.O. 1970, c. 136, s. 54 (3), *amended*.

Person
responsible
for
obstruction
to remove
it on
notice

80.—(1) When a drainage works becomes obstructed by a dam, low bridge, fence, washing out of a private drain, or other obstruction, for which the owner or occupant of the land adjoining the drainage works is responsible, so that the free flow of the water is impeded thereby, the persons owning or occupying the land shall, upon reasonable notice in writing given by the council of the local municipality whose duty it is to maintain and repair the drainage works or by the drainage superintendent appointed by the council, remove such obstruction and, if it is not so removed within the time specified in the notice, the council or the drainage superintendent shall forthwith cause it to be removed, and the cost thereof is payable to the municipality by the owner or occupant of the land. R.S.O. 1970, c. 136, s. 55 (1), *amended*.

Collection
of cost
of removal

(2) If the cost of removing the obstruction is not paid to the local municipality by the owner or occupant of the land forthwith after the completion of the work, the council may pay the cost, and the clerk of the municipality shall place the amount of cost upon the collector's roll against such land and such amount shall be collected in the same manner as real property taxes. R.S.O. 1970, c. 136, s. 55 (2).

Removal of
minor
obstructions

81. The council, by by-law or resolution, shall direct the drainage superintendent to remove from any drainage works all weeds and brushwood, fallen timber or other minor obstructions for which the owner or occupant of the lands adjacent to the drainage works may not be responsible, and the cost of such work is chargeable as part of the cost of maintenance of the drainage works. R.S.O. 1970, c. 136, s. 56, *amended*.

Municipality
may sue
for cost
of damage
to drainage
works

82.—(1) A municipality in which a drainage works or part thereof is situate may bring an action for damages against any person who destroys or injures in any way a drainage works, including any bench mark or permanent level, and any damages ordered by the referee to be paid shall be paid to the municipality and used for the construction, improvement, maintenance or repair of the drainage works. R.S.O. 1970, c. 136, s. 45, *amended*.

Penalty
for
damage
to drainage
works

(2) Every person who obstructs, fills up or injures or destroys by any means a drainage works is guilty of an offence and on summary conviction, in addition to his liability in

damages, is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1970, c. 136, s. 58, *amended*.

83.—(1) Except as authorized by a by-law of the initiating municipality approved by the Ministry of the Environment, ^{Pollution of drains prohibited} no person shall discharge or deposit or permit to be discharged or deposited into any drainage works any liquid, material or substance other than unpolluted drainage water. R.S.O. 1970, c. 136, s. 60 (1), *amended*.

(2) Every person who contravenes subsection 1 is guilty ^{Penalty for pollution} of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 136, s. 60 (2), *amended*.

84.—(1) Upon the written request of three-quarters of the owners of land assessed for benefit in respect of a drainage works, who, according to the last revised assessment roll, own ^{Abandonment of all or part of drainage works} not less than three-quarters of the area assessed for benefit as shown in the by-law or by-laws under which the drainage works exist, asking for the abandonment of such drainage works or a part thereof, the council of the initiating municipality shall forthwith notify all owners of land assessed for the drainage works by prepaid mail, at their addresses as shown in the last revised assessment roll, of its intention to abandon such drainage works, or such part thereof as is specified in the notice, unless any owner within ten days of the mailing of such notice, gives to the clerk of the municipality written notice that he requires a report of an engineer to be made on such proposed abandonment. R.S.O. 1970, c. 136, s. 61 (1), *part*.

(2) The council of the initiating municipality may give ^{Idem} notice as in subsection 1 of its intention to abandon a drainage works or such part thereof as is specified in the notice without any written request. R.S.O. 1970, c. 136, s. 61 (1), *part*.

(3) If, within such period of ten days, any owner notifies the clerk, the council shall appoint an engineer to examine the drainage works and report his recommendations as to the proposed abandonment, any necessary work in connection therewith, the sale of any assets, the cost of abandonment and all other appropriate matters and shall assess all costs, including his own compensation, and damage allowances against persons liable to assessment in connection with the drainage works in such proportions as appear just. ^{Engineer's report may be required}

(4) All proceedings, including appeals, with respect to a report under subsection 1 shall be the same *mutatis mutandis* ^{Procedures on report} as on a report for the construction of a drainage works.

Abandonment
by council

(5) If no notice is mailed to the clerk in accordance with subsection 1 or if the engineer's report, as it may be altered on appeal, recommends the abandonment of the drainage works, the council may by by-law abandon the drainage works, and thereafter the municipality has no further obligation with respect to the drainage works.

Disburse-
ment of
remaining
funds

(6) Any money remaining to the credit of the drainage works after it is abandoned shall be divided *pro rata* among the owners of lands and roads assessed therefor. R.S.O. 1970, c. 136, s. 61 (2-5).

GRANTS

Provincial
grants

85. Grants may be made in respect of,

(a) assessments made under this Act upon lands used for agricultural purposes,

(i) for drainage works undertaken in accordance with section 4, 74 or 78 where a report of an engineer describing the current work has been adopted in accordance with this Act, and

(ii) for maintenance, repair and minor improvements undertaken on the recommendation of the drainage superintendent within the budgeting limitations established by the Minister for that municipality;

(b) costs incurred by municipalities in the employment of a drainage superintendent; and

(c) the total cost of preparing a preliminary report exclusive of the cost of preparing any benefit cost statement and any environmental appraisal. R.S.O. 1970, c. 136, s. 62 (1), *amended*.

When
grants
not to
be made

86.—(1) Subject to subsection 2, grants shall not be made in respect of assessments made under this Act upon lands owned by Canada, Ontario or a municipality or in respect of the assessment of the cost of lateral drains. R.S.O. 1970, c. 136, s. 62 (2), *amended*.

Exception

(2) Grants may be made in respect of lands owned by Ontario and leased for agricultural purposes to a lessee with an option to purchase. *New*.

Payment
of grant

87.—(1) The Minister, upon receipt of a duly completed application for a grant, may pay out of such moneys as are

appropriated therefor by the Legislature to the treasurer of the initiating municipality a grant of,

- (a) where the drainage works is in a municipality within a county or, subject to clause *b*, a regional municipality, $33\frac{1}{3}$ per cent of the assessments eligible for a grant under section 85; or
- (b) where the drainage works is in a municipality or a regional or district municipality within a territorial district or a provisional county, $66\frac{2}{3}$ per cent of the assessments eligible for a grant under section 85. R.S.O. 1970, c. 136, s. 64 (2), *amended*.

(2) Where a drainage works is in territory without municipal organization, an amount not exceeding 80 per cent of the assessments eligible for a grant under section 85 in respect of such drainage works may be paid by the Minister out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 136, s. 65 (2), *amended*. Grants in unorganized territory

(3) Where one or more municipalities employ a drainage superintendent who has qualifications satisfactory to the Minister, the Minister may direct that 50 per cent of the costs incurred by the municipality or municipalities in the employment of such superintendent shall be paid out of the moneys appropriated therefor by the Legislature. *New*. Payment of grant where drainage superintendent employed

88.—(1) Upon the practical completion of the drainage works and after the time for appealing against assessments has expired and there are no appeals or after all appeals against assessments have been decided, the council of the initiating municipality shall forward to the Director an application for a grant in such form as is provided by the Director. R.S.O. 1970, c. 136, s. 64 (1), *amended*. Application for grant

(2) No grant shall be paid in respect of interest charges on any drainage works accruing after 120 days from the completion thereof as certified by the engineer or drainage superintendent. *New*. Grant re interest charges

89.—(1) Where the drainage works is in two or more municipalities, the grant shall be distributed by the treasurer of the initiating municipality among all such municipalities in the proportion that the total of the assessments eligible for a grant in each municipality bears to the total of all assessments eligible for a grant in all of the municipalities. Distribution

(2) The treasurer of each municipality shall apply the amount of the grant received by that municipality to reduce Grant to be applied to reduce assessments

the assessment on each parcel of land in the municipality eligible for a grant in the proportion that each such assessment bears to the total of the assessments eligible for a grant in the municipality. R.S.O. 1970, c. 136, s. 64 (3, 4).

Reduction
of grant

90. The Minister may reduce or withhold a grant on any drainage works if in his opinion the costs other than the contract price are excessive. *New.*

DIRECTOR

Director

91. The Minister may appoint a Director for the purposes of this Act. *New.*

Persons to
advise and
assist

92. The Minister may designate such persons as he considers necessary to advise and assist municipalities and engineers in the application and administration of this Act and any such person who is not a member of the public service of Ontario shall be paid such remuneration as the Lieutenant Governor in Council may determine, together with his reasonable expenses. *New.*

DRAINAGE SUPERINTENDENT AND COMMISSIONERS

Appointment
of drainage
super-
intendent

93.—(1) The council of a local municipality may by by-law appoint a drainage superintendent,

- (a) to initiate and supervise the maintenance and repair of any drainage works; and
- (b) to assist in the construction or improvement of any drainage works,

and to report thereon to council and may provide for fees or other remuneration for services performed by him in carrying out the provisions of this Act, but such fees or other remuneration shall not be deemed to form part of the cost of the drainage works, and shall be paid from the general funds of the municipality.

Commis-
sioner
may be
appointed

(2) Where no drainage superintendent is appointed under subsection 1, the council may by by-law appoint one or more commissioners,

- (a) to assist the engineer in the construction or improvement of a drainage works; and
- (b) to supervise the maintenance of any drainage works,

and to report thereon to council and may provide for fees or other remuneration for services performed by him under this subsection, but such fees or other remuneration shall not be deemed to form part of the cost of the drainage works, and shall be paid from the general funds of the municipality. *New.*

94.—(1) The drainage superintendent shall inspect every drainage works for which the municipality is responsible at intervals of not less than three years, and shall periodically report to council on the condition of the drainage works in the municipality. *Inspection of drains*

(2) Two or more municipalities may appoint the same person to be drainage superintendent within each municipality. *New.* *Drainage superintendent may act for more than one municipality*

95.—(1) For the better maintenance and repair of drainage works by embanking, pumping or other mechanical operations, the council of the municipality initiating the drainage works may by by-law, *Appointment of commissioner*

(a) appoint one or more commissioners with power to,

- (i) enter into all necessary and proper contracts for the purchase of fuel, erection or repairs of buildings and purchase and repairs of machinery, and
- (ii) do all other things necessary for successfully operating the drainage works and for keeping the embankment thereof in repair as may be set forth in the by-law appointing him; and

(b) provide for defraying the annual cost of maintaining and operating the drainage works by assessment upon the lands and roads in any way liable to assessment therefor. R.S.O. 1970, c. 136, s. 59, *amended.*

(2) The fees or other remuneration of a commissioner shall form part of the cost of the maintenance and repair of the drainage works. *New.* *Fees, etc.*

(3) The drainage superintendent and the commissioner have the same powers as to entry on land as are given to the engineer and his assistants under subsection 1 of section 12. *Powers of superintendent and drainage commissioner*

96.—(1) Subject to subsection 3, a court of revision shall consist of three or five members appointed by the *Court of revision*

council of the initiating municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.

Qualification (2) Every such member shall be a person eligible to be elected a member of council or shall be a member of council. R.S.O. 1970, c. 136, s. 30.

Where more than one municipality (3) Where the lands assessed for the drainage works extend from the initiating municipality into a neighbouring municipality, the court of revision shall consist of two members appointed by the council of the initiating municipality, of whom one shall be chairman and one member appointed by the council of each of the neighbouring municipalities and the court shall hear and rule on appeals as if the entire area affected by the drainage works were in one municipality. *New.*

THE ONTARIO DRAINAGE TRIBUNAL

Tribunal established **97.**—(1) The Ontario Drainage Tribunal is hereby established and shall be composed of a chairman and such number of vice-chairmen and other members as shall be appointed by the Lieutenant Governor in Council.

Quorum (2) Three members of the Tribunal designated by the chairman, one of whom shall be a barrister entitled to practice in Ontario, shall constitute a quorum and have all of the jurisdiction and powers of the Tribunal.

Remuneration (3) The members of the Tribunal who are not members of the public service of Ontario shall be paid such remuneration as the Lieutenant Governor in Council may determine, together with their reasonable expenses.

Powers of Tribunal (4) The Tribunal may,
 (a) hold sittings at any place in Ontario and in more than one place at the same time; and
 (b) procure reports from engineers and other professional persons in order to assist the Tribunal in reaching a decision.

Tribunal may make rules (5) Subject to the approval of the Lieutenant Governor in Council, the Tribunal may make rules governing its practice and procedure and the exercise of its powers.

Clerk of Tribunal (6) The clerk of the initiating municipality shall be the clerk of the Tribunal.

(7) The Tribunal may from time to time employ stenographic reporters to report hearings before the Tribunal and may fix their fees and such fees shall be included in the costs of the hearing and shall be borne and paid as the Tribunal may direct. Stenographic reporters

(8) Where the sittings of the Tribunal are to be held in a municipality, the municipality shall provide a suitable room for holding a hearing. Sittings of Tribunal

(9) The Tribunal shall send by registered mail addressed to the parties to any proceedings who took part in the hearing, at their addresses last known to the Tribunal and to the Minister, a copy of its final decision and order, if any, in the proceedings. Copy of decision

(10) The costs of any proceedings before the Tribunal shall be paid by or apportioned between the parties in such manner as the Tribunal considers proper, and where costs are ordered to be paid, the order for payment thereof may be filed in any small claims court having jurisdiction in the municipality and is enforceable as a judgment or order of such court. Costs, payment of

(11) The costs chargeable or to be awarded in any proceedings may include the costs of witnesses and of procuring their attendance, the costs of secretarial staff and such other costs as the Tribunal may direct, and may be taxed according to the allowance in a small claims court for such costs, and, in cases where execution issues, the costs thereof as in the like court, and of enforcing the execution, may also be collected thereunder. *New.* What costs chargeable

98. In any application, appeal or reference to the Tribunal, the action shall be commenced by serving notice upon the council of the initiating municipality and the clerk shall forthwith record the notice and except as otherwise provided send a copy of the notice to the Tribunal and to all persons assessed for the drainage works. *New.* Appeal commenced by notice

99. The Tribunal, in any case that it considers proper, may extend the time otherwise limited for application, appeal or reference. *New.* Extension of time

100. In any application, appeal or reference under sections 8, 10, 48, 49, 50, 54, 64, 65 and 75 the decision of the Tribunal is final. *New.* Decision final

REFEREE

101. -(1) The Lieutenant Governor in Council may appoint a referee for the purposes of this Act. Appointment of referee

Acting
referee

(2) The Lieutenant Governor in Council from time to time may appoint an acting referee or referees for the purposes of this Act, and an acting referee has the same powers and duties as the referee.

Qualification

(3) The referee or an acting referee shall be a justice of the Supreme Court or a judge of a county court.

Remunera-
tion

(4) Notwithstanding any other Act, the referee or an acting referee shall be paid such remuneration as the Lieutenant Governor in Council may determine, together with his reasonable expenses and expenses for secretarial services. R.S.O. 1970, c. 136, s. 66.

Notice of
time and
place of
hearing

102.—(1) Where an application or appeal is made to the referee, he shall give an appointment to the parties to proceed therewith at such place and time and in such manner as to him may seem proper, but, unless the parties otherwise consent, a hearing shall be in the county or one of the counties in which the drainage works is or is to be situate. R.S.O. 1970, c. 136, s. 68 (1).

Use of
court house,
etc.

(2) When an appointment is given by the referee for a hearing in any municipality where a court house is situate, he has in all respects the same authority as a judge of the Supreme Court with respect to the use of the court house or other place or apartments therein. R.S.O. 1970, c. 136, s. 69, *amended*.

Clerk
of court

103.—(1) The clerk of the county court shall be the clerk of the court of the referee and shall take charge of and file all the exhibits, and is entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the county court.

Fees of
clerk

(2) The clerk of the court is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee may direct.

Acting
clerk

(3) In the absence of the clerk of the county court, the referee may appoint some other person to act as clerk of the court of the referee for the purpose of the trial and for taking charge of and filing all exhibits, and the person so appointed while so acting has the same power as the clerk of the county court and is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee may direct. R.S.O. 1970, c. 136, s. 68 (2-4).

(4) The referee may from time to time employ stenographic ^{Stenographic} reporters to report hearings and trials before the referee and fix their fees, and such fees shall be included in the costs and shall be borne and paid as the referee may direct. R.S.O. 1970, c. 136, s. 68 (5).

104. Sheriffs, deputy sheriffs, constables and other peace ^{Sheriffs, etc.,} officers shall aid, assist and obey the referee in the exercise of ^{to assist} the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificates of the referee, be paid such fees as they are entitled to for similar services at the sittings of the Supreme Court for the trial of causes. R.S.O. 1970, c. 136, s. 70, *amended*.

105.—(1) The referee has original jurisdiction, ^{Powers of referee}

- (a) to entertain any appeal with respect to the report of the engineer under section 47;
- (b) to determine the validity of, or to confirm, set aside or amend any petition, resolution of a council, provisional by-law or by-law relating to a drainage works under this Act or a predecessor of this Act;
- (c) to determine claims and disputes arising under this Act, including, subject to section 119, claims for damages with respect to anything done or purporting to have been done under this Act or a predecessor of this Act or consequent thereon;
- (d) to entertain applications for orders directing to be done anything required to be done under this Act;
- (e) to entertain applications for orders restraining anything proposed or purporting to be done under this Act or a predecessor of this Act; and
- (f) over any other matter or thing in relation to which application may be made to him under this Act. R.S.O. 1970, c. 136, s. 73, *amended*.

(2) Subject to section 100, the referee has jurisdiction to ^{Juris-}hear appeals from any decision or order of the Tribunal and ^{diction} for such purpose may make any order that the Tribunal might have made and may substitute his opinion for that of the Tribunal. *New.* ^{of referee}

(3) The referee has jurisdiction to entertain and dispose ^{Idem} of any interlocutory application relating to any matter other-

wise within his jurisdiction and his order thereon is final.
R.S.O. 1970, c. 136, s. 82.

Deter-
mination
of questions
of fact
or law

(4) The referee has power to determine all questions of fact or law that it is necessary to determine for the purpose of disposing of any matter within his jurisdiction and to make such decision, order or direction as may be necessary for such purpose. *New.*

Referee
may make
rules

106.—(1) The referee may, with the approval of the Lieutenant Governor in Council, make rules regulating the practice and procedure to be followed in all proceedings before him under this Act and may prescribe tariffs and fees therefor. R.S.O. 1970, c. 136, s. 86.

Referee
may give
directions

(2) The referee may give directions relating to the conduct of proceedings before him and as to the persons who shall be parties to such proceedings. R.S.O. 1970, c. 136, s. 68 (1), *amended.*

Taxation
of costs

107. Costs shall be taxed by the referee, or he may direct the taxation thereof by the clerk of the county court with whom the papers are filed or by a taxing officer of the Supreme Court. R.S.O. 1970, c. 136, s. 88.

Costs in
discretion
of referee

108. The costs of any proceedings before the referee are in the discretion of the referee. R.S.O. 1970, c. 136, s. 72 (3), *amended.*

Tariff
of costs

109. In the absence of other provisions, the tariff of costs in any application or proceeding under this Act shall be that of the court that would have jurisdiction to try a civil action involving a similar amount of money or type of proceeding. R.S.O. 1970, c. 136, s. 87.

Proceedings
instituted
by notice

110.—(1) Proceedings for the determination of claims and disputes and for the recovery of damages, or for an order directing or restraining the doing of any act or thing shall be instituted by serving ten clear days notice setting forth the grounds of the claim upon all persons concerned.

Notice
filed
in county
court

(2) A copy of the notice with an affidavit of service thereof shall be filed with the clerk of the county court of the county in which the initiating municipality is situate, and the notice shall be filed and served within two years from the time the cause of complaint arose. R.S.O. 1970, c. 136, s. 74, *amended.*

Affidavits
filed
before
motion

111. All affidavits intended to be used in support of a motion shall be filed with the clerk of the county court

not fewer than five days before the return day of the motion.
R.S.O. 1970, c. 136, s. 75.

112. The referee may, where he considers it proper, extend the time otherwise limited for appeals or other proceedings.
New.

Extension
of time
for appeal

113. When the referee proceeds partly on view or on any special knowledge or skill possessed by him, he shall put in writing a statement thereof sufficiently full to allow the Divisional Court to form a judgment of the weight that should be given thereto, and he shall state as part of his reasons the effect given by him to such statement. R.S.O. 1970, c. 136, s. 78, *amended*.

When
referee
proceeds
on view

114. The decision of the referee, with the evidence, exhibits and statement, if any, of inspection or of technical knowledge and the reason for his decision, shall be filed in the office of the clerk of the county court in the county in which the initiating municipality is situate, and notice of the filing shall forthwith be given by the clerk, by prepaid mail, to the solicitors of the parties appearing by solicitor and to the other parties not represented by a solicitor, and also to the clerk of each municipality affected. R.S.O. 1970, c. 136, s. 79.

Clerk to
forward
notice of
filing

115. A copy of the decision certified by the referee or clerk of the court shall be sent or delivered,

Copy of
decision to
be sent to
Minister and
municipality

(a) to the Minister without charge; and

(b) to the clerk of every municipality interested in the drainage works in question upon receipt of the sum chargeable therefor. R.S.O. 1970, c. 136, s. 80.

116. The provisional by-law or the by-law of the initiating municipality and of any other municipality interested shall be amended so as to incorporate and carry into effect the decision of the referee or such decision as varied on appeal, as the case may be. R.S.O. 1970, c. 136, s. 72 (1).

Amendment
of by-law

117.—(1) Except as provided by subsections 2, 3 and 4, all damages and costs payable by a municipality and arising from proceedings taken under this Act shall be levied upon the lands and roads in any way assessed for the drainage works for construction, improvement, maintenance or repair in such manner as the referee or court may determine, and may be assessed, levied and collected in the same manner as rates assessed, levied and collected for maintenance under this Act.

Assessing
of costs
payable

Municipality
in default
to pay costs

(2) Where such damages and costs become payable owing to any improper action, neglect, default or omission on the part of the council of any municipality or of any of its officers or employees in the construction, improvement, maintenance or repair of the drainage works or in carrying out the provisions of this Act, the referee or court may direct that the whole or any part of such damages and costs shall be borne by the municipality and be payable out of the general funds thereof

In cases of
settlement

(3) Where in any such proceedings by or against a municipality a settlement is made, the damages and costs payable under the terms of the settlement by any municipality shall be borne and paid as directed by the referee or court, and in making such direction, the referee or court shall have regard to the provisions of subsection 2.

Where
extension
of drainage
works
necessary

(4) Where, in the opinion of the referee or court, damages and costs have become payable by reason of the insufficiency of the capacity or outlet of a drainage works and it is necessary in order to prevent a continuance of such damage to improve the drainage works, the referee or court may permit the council of the municipality to add such damages and costs to the engineer's estimate of the cost of any such improvement. R.S.O. 1970, c. 136, s. 77, *amended*.

Transfer
to other
court

118. Where an action is brought or is pending before the court of revision or the Tribunal or the referee and the matter should properly be heard by one of the other tribunals, the action may be transferred to the other tribunal without invalidating the proceedings provided the action was launched within the time limits prescribed in this Act. *New*.

Actions
may be
transferred
to referee

119.—(1) Where an action is brought or is pending and the court in which the action is brought or is pending or a judge thereof is of opinion that the relief sought therein is properly the subject of a proceeding under this Act or that it may be more conveniently tried before and disposed of by the referee, the court or judge may, on the application of either party, at any stage of the action make an order transferring it to the referee on such terms as appear just, and the referee shall thereafter give directions for the continuance of the action before him.

Limitation

(2) This section applies only where the action is brought within the period limited by this Act for taking proceedings on notice. R.S.O. 1970, c. 136, s. 76.

APPEAL TO DIVISIONAL COURT

120. Except as otherwise provided in this Act, the decision of the referee or acting referee may be appealed from to the Divisional Court in accordance with the rules of court within thirty days after the filing thereof with the county court clerk or within such further time as the referee or Divisional Court or a judge thereof may allow. R.S.O. 1970, c. 136, s. 83, *amended*.

Appeal from
decision
of referee

GENERAL

121.—(1) Where it is considered necessary or expedient to extend a drainage works constructed under this Act from Ontario into or through lands in an adjoining province, or to extend a drainage works from an adjoining province into or through lands in Ontario, the Lieutenant Governor in Council may authorize the Minister to enter into an agreement with a designated officer of the adjoining province as to the proportion of the cost of any drainage works in the adjoining province to be borne and paid by Ontario and as to the proportion of the cost of any drainage works in Ontario to be borne and paid by the adjoining province.

Inter-
provincial
drainage
works,
from
Ontario
into
adjoining
province

(2) Where such a drainage works extends from Ontario into or through lands in an adjoining province, the Minister may order a local municipality in Ontario in which the lands affected by the drainage works are situate to provide funds to pay for the proportion of the cost of the drainage works in the adjoining province to be borne and paid by Ontario, and thereupon this Act applies *mutatis mutandis* to such drainage works.

Apportion-
ment
of cost

(3) Where a drainage works extends from an adjoining province into or through lands in Ontario, the Minister may order a local municipality into which the drainage works extends to provide for the construction of the necessary drainage works, and thereupon this Act applies *mutatis mutandis* to such drainage works, and the contribution to the drainage works from the other province shall be paid to such local municipality on the completion of the drainage works. R.S.O. 1970, c. 136, s. 11.

Extension
of drainage
works from
adjoining
province

122. The Minister in his discretion and from time to time may prescribe the manner in which a drainage works shall be initiated and carried out in territory without municipal organization and the manner in which and the terms and conditions under which grants may be made. R.S.O. 1970, c. 136, s. 65 (1).

Initiation
of drainage
works in
unorganized
territory

Author-
ization of
emergency
work

123. Where the Minister declares that an emergency exists, the council of a municipality may authorize emergency work under this Act before obtaining and adopting an engineer's report. *New.*

Regulations

124. The Lieutenant Governor in Council may make regulations prescribing forms and providing for their use. *New.*

Transitional
R.S.O. 1970,
c. 136

125. Notwithstanding section 126, all proceedings commenced under *The Drainage Act* that are not completed before this Act comes into force shall be continued and completed in accordance with *The Drainage Act*.

Repeal

126. *The Drainage Act*, being chapter 136 of the Revised Statutes of Ontario, 1970, is repealed.

Commence-
ment

127. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

128. This Act may be cited as *The Drainage Act, 1975*.

The Drainage Act, 1975

1st Reading

June 27th, 1975

2nd Reading

July 8th, 1975

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

*(Reprinted as amended by the
Committee of the Whole House)*

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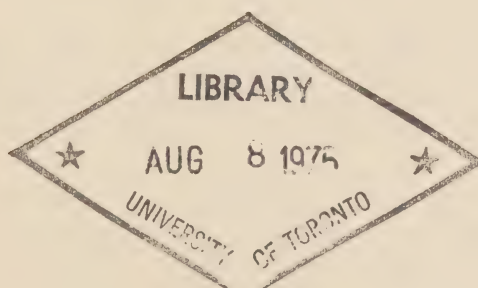
Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario Legislative Assembly

The Drainage Act, 1975

THE HON. W. A. STEWART
Minister of Agriculture and Food



The Drainage Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pretation

1. "benefit" means the advantages to any lands, roads, buildings or other structures from the construction, improvement, repair or maintenance of a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface or subsurface water, or any other advantages relating to the betterment of lands, roads, buildings or other structures;
2. "benefit cost statement" means a statement relating the anticipated benefits expressed in dollars to the total estimated cost of the drainage works;
3. "built-up area" means an area of land where,
 - i. not less than 50 per cent of the frontage upon one side of a road for a distance of not less than 600 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or
 - ii. not less than 50 per cent of the frontage upon both sides of a road for a distance of not less than 300 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or
 - iii. not more than 600 feet of a road separates any land described in subparagraph i or ii from any other land described in subparagraph i or ii, or
 - iv. a plan of subdivision has been registered;

R.S.O. 1970,
c. 78

4. "commissioner" means a commissioner appointed by a municipality by by-law;
5. "conservation authority" means a conservation authority established under *The Conservation Authorities Act*;
6. "county" includes a provisional judicial district;
7. "county court" includes a district court;
8. "court of revision" means a court of revision constituted under this Act;
9. "Director" means the Director appointed for the purposes of this Act;
10. "drainage superintendent" means a drainage superintendent appointed by a municipality by by-law;
11. "drainage works" includes a drain constructed by any means, including the improving of a natural watercourse, and includes works necessary to regulate the water table or water level within or on any lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof;
12. "engineer" means an engineer registered under *The Professional Engineers Act* or a surveyor registered under *The Surveyors Act*, or a partnership, association of persons or corporation that holds a certificate of authorization under *The Professional Engineers Act* or *The Surveyors Act*, as the case may be;
13. "improvement" means any modification of or addition to a drainage works intended to increase the effectiveness of the system;
14. "initiating municipality" means the local municipality undertaking the construction, improvement, repair or maintenance of a drainage works to which this Act applies;
15. "injuring liability" means the part of the cost of the construction, improvement, maintenance or repair of a drainage works required to relieve the owners of any land or road from liability for injury caused by water artificially made to flow from such land or road upon any other land or road;

R.S.O. 1970,
cc. 366, 452

16. "lateral drain" means a drain that is designed for the drainage of one property and that begins and ends on the same property;
17. "maintenance" means the preservation of a drainage works;
18. "Minister" means the Minister of Agriculture and Food;
19. "outlet liability" means the part of the cost of the construction, improvement or maintenance of a drainage works that is required to provide such outlet or improved outlet;
20. "owner" includes a committee of the estate of a mentally incompetent person or of a person incapable of managing his affairs, and a guardian, executor, administrator or trustee in whom land is vested;
21. "preliminary report" means an engineer's report containing the information specified in section 10;
22. "property" means a parcel of land that by *The Assessment Act* is required to be separately assessed; R.S.O. 1970,
c. 32
23. "public utility" means a person having jurisdiction over any water works, gas works, electric heat, light and power works, telegraph and telephone lines, railways however operated, street railways and works for the transmission of gas, oil, water or electrical power or energy, or any similar works supplying the general public with necessities or conveniences;
24. "referee" means the referee appointed under this Act;
25. "repair" means the restoration of a drainage works to its original condition;
26. "report" means an engineer's report containing the information specified in section 8;
27. "road authority" means a body having jurisdiction and control of a common or public highway or road, or any part thereof, including a street, bridge and any other structure incidental thereto and any part thereof;
28. "special benefit" means any additional work or feature included in the construction, repair or improvement of a drainage works that has no effect on the functioning of the drainage works;

29. "sufficient outlet" means a point at which water can be discharged safely so that it will do no damage to lands or roads;
30. "Tribunal" means The Ontario Drainage Tribunal established under this Act. R.S.O. 1970, c. 136, s. 1, *amended*.

MUTUAL AGREEMENT DRAINS

Mutual
agreement
re drainage
works

2.—(1) When two or more owners of land desire to construct or improve a drainage works on any of their lands and are willing to pay the cost thereof, they may enter into a written agreement for the construction, improvement, financing and maintenance of such drainage works, which shall include the following:

1975, c....

1. A reference to *The Drainage Act, 1975*.
2. Descriptions of the lands of the parties to the agreement sufficient for the purposes of registration in the proper land registry office.
3. The estimated cost of the drainage works.
4. A description of the drainage works, including its nature and approximate location.
5. The proportion of the cost of the construction, improvement and maintenance of the drainage works that is to be borne by each of the owners of the lands.
6. The date the agreement was entered into.
7. An affidavit of a subscribing witness to the execution of the agreement by the parties sufficient for the purposes of registration in the proper land registry office.

Filing
of agreement

(2) A copy of the agreement and the plans and schedules, if any, of the proposed drainage works may be filed with the clerk of the local municipality in which the land or any part thereof is situate, and the agreement or an executed copy thereof may be registered in the proper land registry office.

Registered
agreement
binding on
successors

(3) An agreement made under this section shall, upon registration in the proper land registry office of the agreement or an executed copy thereof, be binding upon the heirs, executors, administrators, successors and assigns of each party to the agreement.

(4) The subsequent provisions of this Act do not apply to any drainage works constructed under this section. R.S.O. 1970, c. 136, s. 2, *amended*. Exception

REQUISITION DRAINS

3.—(1) Where it is necessary, for the proper drainage of any lands, that a drainage works should be constructed thereon or constructed thereon and through the land of one or more adjacent owners, the owner of the land requiring or to be benefitted by such drainage may file with the clerk of the local municipality in which the land is situate a requisition in the Form prescribed by the regulations requesting that an engineer be appointed. R.S.O. 1970, c. 136, s. 4 (1), *amended*. Drainage works constructed on requisition

(2) Upon filing the requisition, the owner shall deposit with the clerk of the municipality the sum of \$300 to be used toward defraying the expenses incurred consequent thereon, which sum shall be taken into consideration by the engineer in apportioning costs. R.S.O. 1970, c. 136, s. 4 (2), *amended*. Deposit for expenses

(3) No drainage works, the total estimated cost of which will exceed \$7,500, shall be constructed under this section. R.S.O. 1970, c. 136 s. 4 (3), *amended*. Limit of cost

(4) For the purposes of calculating the total estimated cost in subsection 3, the cost of crossing lands occupied by the works of a public utility or road authority shall not be included. *New*. Cost not included

(5) Only lands lying within 2,500 feet from the sides of the drainage works and land lying within 2,500 feet from the upstream point of commencement of the drainage works may be assessed under this section. R.S.O. 1970, c. 136, s. 4 (4), *amended*. Limit of area to be assessed

(6) The council of the local municipality, upon the filing of the requisition, shall, by by-law or resolution, appoint an engineer to make an examination of the area and to make a preliminary report. R.S.O. 1970, c. 136, s. 4 (6) *part*, *amended*. Duty of council

(7) The engineer shall, before making his examination and report, cause the clerk of the local municipality to send to each owner of land and to each public utility that may be affected by such drainage works as set out in the requisition at least seven days written notice in the Form prescribed by the regulations by prepaid mail, addressed to each such owner at his address as shown by the last revised assessment roll, of the date, time and place of an on-site meeting with the engineer to examine the area. R.S.O. 1970, c. 136, s. 4 (6), *part*, *amended*. Notice of examination

- Statements (8) The engineer shall file with his preliminary report a benefit cost statement and a statement of the anticipated effects of the drainage works on the local environment.
- Engineer to set out requirements (9) The engineer in his preliminary report shall set out the requirements for a petition sufficient to comply with section 4.
- Duty of council (10) Upon the filing of the engineer's preliminary report, the council of the local municipality shall cause the clerk to send by prepaid mail to each owner of lands to be affected by the drainage works as set out in the requisition and to the Minister, a notice stating the name or other designation of the drainage works and the date of the council meeting at which the preliminary report will be considered.
- Copy of report, etc. (11) A copy of the preliminary report, the benefit cost statement and the statement of the anticipated effect on the local environment must accompany each notice sent under subsection 10.
- Duty of clerk (12) Unless the owner who filed the requisition files with the clerk of the local municipality a petition sufficient to comply with section 4 within sixty days of the meeting at which the report was considered, the clerk shall send, by prepaid mail, to such owner, notice that unless the requisition is withdrawn or a petition is filed within thirty days from the date the notice was sent, the council of the local municipality shall instruct the engineer to prepare a report.
- Power of council (13) Where a petition sufficient to comply with section 4 is filed within the time limits prescribed by subsection 12, the council of the local municipality shall proceed in the manner prescribed for a petition under section 4.
- Duty of council (14) Unless the requisition is withdrawn or a petition is filed with the council of the local municipality within the time limits prescribed by subsection 12, the council by by-law or resolution shall instruct the engineer to prepare a report. *New.*
- Idem (15) Notwithstanding any other provision of this Act, upon the filing of the report, unless the requisition is withdrawn, the council of the local municipality shall, subject to any appeal that may be taken, adopt the report and proceed to implement it in accordance with this Act. R.S.O. 1970, c. 136, s. 4 (8), *amended.*
- Appeals (16) Upon the filing of a report, an appeal lies therefrom to the same tribunals and as nearly as may be possible in

the same manner and on the same grounds as in the case of a report for the construction of a drainage works commenced by petition under section 4.

(17) Where the requisition is withdrawn or the drainage works is not proceeded with under requisition as a result of an appeal, the owner who filed the requisition is chargeable with and liable to the municipality for the expenses incurred by the municipality in connection with the requisition, and the sum with which such owner is chargeable shall be entered upon the collector's roll for the municipality against the lands of the owner, and shall be collected in the same manner as real property taxes. *New.* Collection of expenses

(18) Every ditch constructed under *The Ditches and Water-courses Act* shall be maintained in accordance with the award of the engineer providing for such maintenance until such ditch is brought under the provisions of this Act by requisition in the manner prescribed by subsection 1 or by petition as set out in section 4. R.S.O. 1970, c. 136, s. 4 (9), *amended.* Existing ditches
R.S.O. 1960,
c. 109

PETITION DRAINS

4.—(1) A petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by, Petition

- (a) the majority in number of the owners, as shown by the last revised assessment roll of lands in the area, including the owners of any roads in the area;
- (b) the owner or owners, as shown by the last revised assessment roll, of lands in the area representing at least 60 per cent of the acreage in the area;
- (c) where a drainage works is required for a road or part thereof, the engineer or road superintendent appointed under *The Public Transportation and Highway Improvement Act* and having jurisdiction over such road or part; or R.S.O. 1970,
c. 201
- (d) where a drainage works is required for the drainage of lands used for agricultural purposes, the Director.

(2) A petition under subsection 1 shall be in the Form prescribed by the regulations and, where it is filed by an owner or owners under clause *a* or *b* of subsection 1, shall be signed by such owner or owners. Form of petition

Petition
where area
lies on
each side of
boundary
line

(3) Where it is desired to construct a drainage works for the drainage of an area composed of lands or roads lying on each side of a boundary line between two or more local municipalities, the council of any of them may proceed upon a petition as required by this Act in all respects, including the sending of notices, as if such area were entirely within the limits of the municipality.

Person
deemed
owner

(4) Where a person who is the owner of land, but does not appear by the last revised assessment roll of the municipality to be the owner, is a petitioner, he shall be deemed an owner if his ownership is proved to the satisfaction of the clerk, and, if the person who appears by the assessment roll to be the owner is a petitioner, his name shall be disregarded in determining the sufficiency of the petition.

Persons
jointly
assessed

(5) Where two or more persons are jointly assessed for a property, in determining the sufficiency of a petition they shall be deemed to be one owner and only one such person may sign the petition. *New.*

Drainage
works
constructed
on petition

5.—(1) Where a petition in accordance with section 4 has been filed, the council shall forthwith consider the petition and shall, within thirty days after the filing of the petition,

- (a) if it decides not to proceed with the drainage works, give written notice of its decision to each petitioner; or
- (b) if it decides to proceed with the drainage works, give written notice of the petition and of its decision to each petitioner, the clerk of each local municipality that may be affected, and the conservation authority that has jurisdiction over any lands in the area or, if no such conservation authority exists, the Minister of Natural Resources.

Appeal
to
Tribunal

- (2) Where a petitioner,
 - (a) receives notice under clause *a* of subsection 1 of a decision of the council not to proceed with the drainage works; or
 - (b) has not, within thirty days after the filing of the petition, received notice of a decision of the council,

the petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area

described in the petition, the Minister may refer the matter to the Tribunal, and the Tribunal may confirm the decision of the council or direct the council to make such decision and to take such action as the council is authorized to take under this Act and as the Tribunal considers proper. *New.*

6.—(1) Upon receipt of a notice from the initiating municipality under subsection 1 of section 5, a local municipality, conservation authority or the Minister of Natural Resources, as the case may be, may send to the council of the initiating municipality within thirty days a notice that an environmental appraisal of the effects of the drainage works on the area is required, and the cost thereof shall be paid by the party who requested it. Notice that environmental appraisal is required

(2) The council of the initiating municipality may obtain an environmental appraisal on its own initiative, the cost of which shall be paid by the municipality from its general funds. Authorization for environmental appraisal

(3) The party requesting the environmental appraisal or the council of the initiating municipality, as the case may be, within forty days of receiving the account therefor, may appeal to the Tribunal, and the Tribunal may confirm or vary the account as it considers proper. *New.* Appeal

7.—(1) The council of any local municipality to which notice was given under subsection 1 of section 5 or the Minister may send to the council of the initiating municipality within thirty days a notice that a benefit cost statement is required and the cost of preparing such statement shall be paid by the party who required it. Benefit cost statement

(2) The council of the initiating municipality may obtain a benefit cost statement on its own initiative, the cost of which shall be paid by the municipality from its general funds. *New.* Idem

8.—(1) Where the council of the initiating municipality has decided to proceed with the drainage works described in a petition, the council shall, by by-law or resolution, appoint an engineer to make an examination of the area requiring drainage as described in the petition and to prepare a report which shall include, Appointment of engineer

- (a) plans, profiles and specifications of the drainage works;
- (b) an estimate of the total cost thereof;
- (c) an assessment of the amount or proportion of the cost of the works to be assessed against every parcel

of land and road for benefit, outlet liability and injuring liability;

(d) allowances, if any, to be paid to the owners of land affected by the drainage works; and

(e) such other matters as are provided for under this Act. R.S.O. 1970, c. 136, s. 3 (1), *part, amended*.

Where
engineer is a
corporation,
etc.

(2) Where the engineer appointed under this Act is a corporation, association or partnership, the appointee shall, within ten days of the date of appointment, notify the council of the name of the individual engineer who will have charge of the project and who will remain in charge until the report is filed and if for any reason the designated engineer ceases to be employed by the appointee, the appointee shall within ten days of such time notify the council of the name of his replacement.

Appeal
or referral
to Tribunal

(3) Where the council fails to appoint an engineer within sixty days after giving notice of its decision to proceed, any petitioner may appeal to the Tribunal or, where the petition was signed by the Director or where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal, and the Tribunal may direct the council to take such action as the council is authorized to take under this Act and as the Tribunal considers proper. *New*.

One report
on two or
more
petitions

(4) The council of the initiating municipality may instruct the engineer to make one report with respect to two or more petitions requiring drainage in two or more adjoining areas that require drainage. R.S.O. 1970, c. 136, s. 7 (1).

Notice

9.—(1) The engineer shall, before making his examination and report, cause the clerk of the local municipality to send at least seven days written notice in the Form prescribed by the regulations to each owner of lands within the area requiring drainage as described in the petition and to each public utility that may be affected by the petition setting out the time and place of an on-site meeting with the engineer to examine the area.

Duty of
engineer

(2) At the on-site meeting, the engineer shall,

(a) determine the area requiring drainage;

(b) determine whether the petition complies with section 4 for the area requiring drainage; and

- (c) where he is of opinion that the petition fails to so comply, establish the requirements for a petition to comply with section 4.

(3) Where the engineer is of opinion that the petition ^{Idem} complies with section 4, he shall proceed to prepare his report or a preliminary report, as the case may be.

(4) Where the engineer is of opinion that the petition ^{Report of engineer} does not comply with section 4, he shall so report to the council of the initiating municipality stating wherein the petition is deficient, the amount of his fees and by whom they shall be paid, and the council shall forthwith send a copy of such opinion to each petitioner.

(5) Where, within sixty days of the engineer's reporting ^{Fees to form part of costs} to council under subsection 4, a petition that complies with the requirements of section 4 is filed with the clerk of the council,

- (a) the council shall instruct the engineer to prepare his report, or a preliminary report, as the case may be; and

- (b) the fees mentioned in subsection 4 shall form part of the cost of the drainage works. *New.*

10.—(1) Where the council of the initiating municipality ^{Preliminary report} deems it expedient, it may, or if it has received notice under section 6 that an environmental appraisal is required, it shall instruct the engineer to prepare a preliminary report containing a sketched plan of the drainage works and an estimate of the cost thereof in so far as it is practicable to do so, and which shall include the environmental appraisal, if any, and the benefit cost statement, if any, and the engineer shall forthwith prepare and file such a preliminary report with the council.

(2) Upon the filing of the preliminary report, the council ^{Consideration of report} of the initiating municipality shall cause the clerk to send a copy of the preliminary report and a notice of the date of the council meeting at which the preliminary report will be considered, to,

- (a) every owner of land within the area requiring drainage as determined by the engineer or described in the petition, as the case may be;
- (b) any public utility or road authority that may be affected by the drainage works;

(c) any local municipality and conservation authority entitled to notice under section 5 or, if no authority is entitled to notice, to the Minister of Natural Resources; and

(d) the Minister.

Withdrawal
from
petition

(3) At the meeting referred to in subsection 2, the council shall consider the preliminary report and shall give to any person who signed the petition an opportunity to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and to any person present who owns land in the area requiring drainage and has not signed the petition an opportunity to do so.

Cost of
petition and
preliminary
report

(4) If at the end of the meeting the petition does not contain a sufficient number of names to comply with section 4, the original petitioners are chargeable in equal shares with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and preliminary report, excluding the amount of any grants and the costs of any environmental appraisal or benefit cost statement, and the sum with which each of such petitioners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the person liable and shall be collected in the same manner as real property taxes.

Instruction
to engineer

(5) If at the end of the meeting, the petition contains a sufficient number of names to comply with section 4, the council may instruct the engineer to proceed with the preparation of his report.

Appeal to
Tribunal

(6) Where the council of the initiating municipality fails to instruct the engineer to proceed with the preparation of his report, any petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal and the Tribunal may direct the council to take such action as the council is authorized to take under this Act and as the Tribunal considers proper.

Idem

(7) Where any party mentioned in clause *a*, *b* or *c* of subsection 2 is dissatisfied with the environmental appraisal, an appeal lies to the Tribunal.

Referral to
Tribunal

(8) Where,

(a) lands used for agricultural purposes are included in the area to be drained, the Minister; or

(b) a conservation authority or regional office of the Ministry of Natural Resources reports to the Minister

of Natural Resources that the environmental appraisal is unsatisfactory, the Minister of Natural Resources,

may refer the environmental appraisal to the Tribunal.

(9) An appeal under subsection 7 or a reference under subsection 8 shall be made within forty days after the meeting referred to in subsection 2, and the Tribunal may confirm the environmental appraisal or direct that it be reconsidered in such respects as the Tribunal considers proper. *New.* Powers of Tribunal

ENGINEER'S REPORT

11. The engineer shall, to the best of his skill, knowledge, judgment and ability, honestly and faithfully, and without fear of, favour to or prejudice against any person, perform the duty assigned to him in connection with any drainage works and make a true report thereon. R.S.O. 1970, c. 136, s. 5. Duties of engineer

12.—(1) The engineer or any of his assistants when engaged in the performance of their duties during or after the examination of the locality may enter, measure along, ascertain the bearings of any line, plant the stakes that they consider necessary for the performance of the work and take levels on the land of any person. R.S.O. 1970, c. 136, s. 6 (1). Power to enter on lands

(2) Every person who wilfully interferes with or obstructs the engineer or any of his assistants in the exercise of the powers conferred by this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 136, s. 6 (2), *amended*. Offence, obstruction of engineer

13.—(1) The engineer in making his survey shall establish sufficient bench marks or permanent levels by which a drainage works may be governed, and shall in his report record the description, location and elevation of every bench mark or permanent level. R.S.O. 1970, c. 136, s. 7 (3). Duties re survey

(2) Every person who interferes with, removes or destroys any bench mark or permanent level established under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 136, s. 7 (4), *amended*. Offence, interference with bench marks

14.—(1) Subject to subsection 2, the construction of a drainage works by means of the improvement of a natural watercourse shall not include a covered drainage works, Providing capacity for covered drainage works

unless the part of the drainage works in which the covered drainage works is included provides capacity for all the surface water from the lands and roads draining naturally towards and into it and for all the waters from all the lands and roads assessed for the drainage works. R.S.O. 1970, c. 136, s. 3 (3), *amended*.

Covered
drainage
works may
be employed

(2) A covered drainage works may be employed in conjunction with an open drain provided that the total capacity of the system is sufficient for the purposes of subsection 1. *New.*

Sufficient
outlet

15. Subject to section 32, every drainage works constructed under this Act shall be continued to a sufficient outlet. R.S.O. 1970, c. 136, s. 4 (5), *amended*.

Report re
disposal
of material
taken from
drainage
works

16. The engineer in his report shall determine in what manner the material taken from any drainage works in the construction, improvement, repair, or maintenance thereof shall be disposed of. R.S.O. 1970, c. 136, s. 8 (1), *amended*.

Bridges and
culverts
on roads

17. The engineer in his report shall provide for the construction, enlargement or other improvement of any bridges or culverts throughout the course of the drainage works rendered necessary by the drainage works crossing any public road or part thereof. R.S.O. 1970, c. 136, s. 8 (2), *amended*.

Construction
of bridges,
etc.

18. Subject to section 33, the engineer in his report shall provide for the construction or the replacement, enlargement or other improvement of bridges, culverts, pumping stations and water gates rendered necessary by the drainage works and he shall include the cost of the construction or the replacement, enlargement or other improvement of such bridges, pumping stations, water gates and culverts, in his assessment for the construction, improvement, maintenance or repair of the drainage works, and they shall, for the purposes of maintenance or repair be deemed part of the drainage works. R.S.O. 1970, c. 136, s. 8 (4, 5), *amended*.

Engineer
may
recommend
abandonment
of drain

19. The engineer in his report may recommend the abandonment of any drain or part thereof that is no longer useful or that is being supplanted by a new drainage works. *New.*

Continuing
drainage
works
beyond
limits
of
municipality

20.—(1) Where it is considered necessary to continue a drainage works beyond the limits of the initiating municipality, the engineer employed by the council of such municipality may continue the drainage works on or along or across any road allowance or other boundary between any two or more municipalities, and from any such road allowance

or other boundary into or through any municipality until he reaches a sufficient outlet.

(2) A drainage works shall not be deemed to be continued into a municipality other than the initiating municipality merely by reason of such drainage works or some part thereof being constructed on a road allowance forming the boundary line between two or more municipalities. R.S.O. 1970, c. 136, s. 10, *amended*. Where drainage works not deemed outside initiating municipality

ASSESSMENTS

21. The engineer in his report shall assess for benefit, outlet liability and injuring liability, and shall insert in an assessment schedule, in separate columns, the sums assessed for each opposite each parcel of land and road liable therefor. R.S.O. 1970, c. 136, s. 15 (1). Engineer to distinguish assessments

22. Lands, roads, buildings, utilities or other structures that are increased in value or are more easily maintained as a result of the construction, improvement, maintenance or repair of a drainage works may be assessed for benefit. *New*. Assessment for benefit

23.—(1) Lands and roads that use a drainage works as an outlet, or for which, when the drainage works is constructed or improved, an improved outlet is provided either directly or indirectly through the medium of any other drainage works or of a swale, ravine, creek or watercourse, may be assessed for outlet liability. Outlet liability, lands assessed for

(2) If, from any land or road, water is artificially caused by any means to flow upon and injure any other land or road, the land or road from which the water is caused to flow may be assessed for injuring liability with respect to a drainage works to relieve the injury so caused to such other land or road. Injuring liability, lands assessed for

(3) The assessment for outlet liability and injuring liability provided for in subsections 1 and 2 shall be based upon the volume and rate of flow of the water artificially caused to flow upon the injured land or road or into the drainage works from the lands and roads liable for such assessments. Basis of assessment

(4) The owners of the lands and roads made liable to assessment only under subsection 1 or 2 shall neither count for nor against the petition required by section 4 unless within the area therein described. R.S.O. 1970, c. 136, s. 16. Certain owners not to count for or against petition

24. The engineer may assess for special benefit any lands for which special benefits have been provided by the drainage works. *New*. Assessment for special benefit

Engineer
may
assess a
block, etc.

25.—(1) The council of the local municipality may direct the engineer to assess as a block, a built-up area designated by the council, and the sum assessed therefor may be levied against all the rateable properties in the designated area *pro rata* on the basis of the assessed value of the land and buildings.

Assessment
to be
charged
against
public
roads

(2) Where the engineer makes a block assessment under subsection 1, he shall designate the proportion of the assessment to be charged against the public roads in the designated area. *New.*

Increased
cost,
how borne

26. In addition to all other sums lawfully assessed against the property of a public utility or road authority under this Act, and notwithstanding that the public utility or road authority is not otherwise assessable under this Act, the public utility or road authority shall be assessed for and shall pay all the increase of cost of such drainage works caused by the existence of the works of the public utility or road authority. R.S.O. 1970, c. 136, s. 21 (3), *amended.*

Assessment
where
drainage
works
continued
beyond
limits of
municipality

27. Where a drainage works is continued into or through a municipality other than the initiating municipality under section 20, the engineer may assess, regardless of municipal boundaries, all lands and roads that, in his opinion, should be assessed for benefit, outlet liability or injuring liability, with such proportion of the cost of the drainage works as appears just, and in his report thereon he shall estimate separately the cost of the drainage works within each municipality and upon the road allowances or other boundaries. R.S.O. 1970, c. 136, s. 10 (1), *part, amended.*

Assessing
lands
in
neighbouring
municipality

28. Where any lands or roads in or under the jurisdiction of a local municipality, other than the local municipalities into or through which the drainage works passes, are, in the opinion of the engineer of the initiating or other municipality doing the work or part thereof, benefitted by the drainage works or provided with an improved outlet or relieved from injuring liability, he may assess the cost of the construction, improvement, maintenance or repair of the drainage works in the same manner as is provided in section 27. R.S.O. 1970, c. 136, s. 9, *amended.*

ALLOWANCES AND COMPENSATION

Allowances
for right
of way, etc.

29. The engineer in his report shall estimate and allow in money to the owner of any land that it is necessary to use,

(a) for the construction or improvement of a drainage works;

- (b) for the disposal of material removed from drainage works;
- (c) as a site for a pumping station to be used in connection with a drainage works; or
- (d) as a means of access to any such pumping station, if, in the opinion of the engineer, such right of way is sufficient for the purposes of the drainage works,

the value of any such land or the damages, if any, thereto. R.S.O. 1970, c. 136, s. 8 (8).

30. The engineer shall determine the amount to be paid to persons entitled thereto for damage, if any, to ornamental trees, lawns, fences, lands and crops occasioned by the disposal of material removed from a drainage works and shall include such sums in his estimates of the cost of the construction, improvement, repair or maintenance of the drainage works. R.S.O. 1970, c. 136, s. 8 (1), *amended*. Amount for damage to ornamental trees, etc.

31. Where an existing drain that was not constructed on requisition or petition under this Act or any predecessor of this Act is incorporated in whole or in part in a drainage works, the engineer in his report shall estimate and allow in money to the owner of such drain or part the value to the drainage works of such drain or part. R.S.O. 1970, c. 136, s. 8 (7), *amended*. Allowance for existing drains

32. Where, in the opinion of the engineer, the cost of continuing a drainage works to a sufficient outlet or the cost of constructing or improving a drainage works with sufficient capacity to carry off the water will exceed the amount of injury likely to be caused to low-lying lands along the course of or below the termination of the drainage works, instead of continuing the works to such an outlet, or making it of such capacity, he may include in his estimate of cost a sufficient sum to compensate the owners of such low-lying lands for any injuries they may sustain from the drainage works, and in his report he shall determine the amount to be paid to the owners of such low-lying lands in respect of such injuries. R.S.O. 1970, c. 136, s. 8 (9). Allowance for damage due to insufficient outlet

33. Where the engineer thinks it expedient to make an allowance for severance to an owner instead of providing for the construction or the replacement, enlargement or other improvement of a bridge, he shall in his report provide for payment to the owner of such amount as appears just by way of allowance for severance. R.S.O. 1970, c. 136, s. 8 (6). Allowance for severance

Prior
assessments
to be
taken
into
consideration

34. In fixing the sum to be assessed upon any land or road, the engineer may take into consideration any prior assessment or allowance on the same land or road for the construction, improvement, maintenance or repair of a drainage works and make such adjustment therefor as appears just, and in his report he shall state the adjustment so made. R.S.O. 1970, c. 136, s. 15 (2), *amended*.

Assessment
may be
shown
in money

35. The assessment upon any land or road for a drainage works shall be shown by the engineer placing in a schedule to his report sums of money opposite the land or road, and, where he considers it advisable, the fractional part of the whole cost to be borne by the land or road. R.S.O. 1970, c. 136, s. 14, *amended*.

Assessment
of affected
land

36. The engineer, in assessing the lands and roads requiring drainage or otherwise liable for assessment under this Act, shall show in his report the approximate number of acres affected by the drainage works in each parcel of land assessed for the drainage works. R.S.O. 1970, c. 136, s. 13.

Engineer
to assess
separately

37. The engineer in his report shall list separately the lands in each municipality that are assessed for a drainage works and shall indicate the assessment for the cost of lateral drains and the assessments of lands that are not agricultural lands. R.S.O. 1970, c. 136, s. 17.

Variation in
assessments
for
maintenance
and repair

38. Where the engineer considers it equitable that the cost of the maintenance and repair of a drainage works be assessed upon a basis different from that upon which the cost of its construction or improvement is assessed, he shall determine and report the basis upon which the cost of maintenance and repair of the drainage works or of any part or parts thereof shall be assessed. R.S.O. 1970, c. 136, s. 18, *amended*.

Time for
filing
report

39.—(1) The engineer shall file his report with the clerk of the initiating municipality as soon as it is completed or in any event within six months after his appointment, or within such further time as may be extended before or after the expiry of such six-month period by the council of the municipality by resolution. R.S.O. 1970, c. 136, s. 22 (1), *amended*.

Engineer
may forfeit
compensation

(2) Where, after thirty days notice by council, the engineer neglects to make his report within the time limited by or extended under this section, he shall forfeit all claims for compensation for the work done by him upon the drainage works, and the council of the local municipality may appoint another engineer. R.S.O. 1970, c. 136, s. 22 (2), *amended*.

(3) A by-law passed by the council of any local municipality for the construction of a drainage works under this Act shall not be quashed by reason only that the report of the engineer was not filed within the time limited by or extended under this section. R.S.O. 1970, s. 136, s. 22 (3).

By-law
not invalid
by reason
report
not filed

40. Where the engineer finds that a drainage works is not required or is impractical, or cannot be constructed under this Act, he shall forthwith file with the clerk of the initiating municipality a report to that effect, stating his reasons therefor, the amount of his fees and other charges and by whom they shall be paid, and the clerk shall forthwith send a notice of the filing of such report, by prepaid mail, to all persons who signed the petition or requisition, as the case may be, and the matter shall not be further proceeded with unless the decision of the engineer is reversed on appeal. R.S.O. 1970, c. 136, s. 8 (10).

Engineer's
finding,
drainage
works
not
required,
etc.

41.—(1) Upon the filing of the engineer's report, the council of the initiating municipality, if it intends to proceed with the drainage works, shall, within thirty days of the filing of the report, cause the clerk of the initiating municipality to send a copy of the report and a notice by prepaid mail stating,

Notice of
drainage
works

- (a) the date of the filing of the report;
- (b) the name or other designation of the drainage works; and
- (c) the date of the council meeting at which the report will be considered,

to

- (d) the owners, in the initiating municipality, as shown by the last revised assessment roll to be the owners of lands and roads assessed for the drainage works or for which compensation or other allowances have been provided in the report;
- (e) the clerk of every other local municipality in which any land or road that is assessed for the drainage works or for which compensation or other allowances have been provided in the report is situate;
- (f) the secretary-treasurer of each conservation authority that has jurisdiction over any land affected by the report;

- (g) any railway company, public utility or road authority affected by the report, other than by way of assessment;
- (h) the Minister of Natural Resources where land under his jurisdiction may be affected by the report; and
- (i) the Director. R.S.O. 1970, c. 136, s. 24 (1, 2), *amended*.

Clerk to
notify
persons
assessed

(2) The clerk of every other local municipality in which any land or road that is assessed for the drainage works or for which compensation or other allowances have been provided in the report is situate shall send within thirty days of the sending of the last notice under subsection 1 a copy of the report and notice by prepaid mail to the owners, as shown by the last revised assessment roll to be the owners of the lands and roads in such municipality assessed for the drainage works, or for which compensation or other allowance has been provided in the report stating,

- (a) the date of the filing of the report;
- (b) the name or other designation of the drainage works; and
- (c) the date of the council meeting of the initiating municipality at which the report will be considered. R.S.O. 1970, c. 136, s. 24 (3), *amended*.

Council
meeting for
consideration
of report

(3) The date of the council meeting at which the report will be considered shall be not less than ten days after the last notice has been mailed pursuant to subsections 1 and 2. R.S.O. 1970, c. 136, s. 24 (6), *amended*.

By-law
not to be
quashed

(4) A by-law passed by the council of any local municipality in connection with the construction of a drainage works under this Act shall not be quashed by reason only that any notices required under this section were not sent within the specified time limits. *New*.

Consideration
of report

42. The council of the initiating municipality at the meeting mentioned in section 41 shall consider the report, and, where the drainage works is requested on petition, shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing it and filing it with the clerk, and shall also give those present owning lands within the area requiring drainage who have not signed the petition an opportunity

to do so, and should any of the lands or roads owned by the municipality within the area requiring drainage as described in the petition be assessed, the council may by resolution authorize the head of the municipality to sign the petition for the municipality, and such signature counts as that of one person in favour of the petition. R.S.O. 1970, c. 136, s. 25, *amended*.

43. If, after striking out the names of the persons withdrawing, the names remaining on the petition, including the names, if any, added as provided by section 42 do not comply with section 4, the original petitioners on their respective assessments in the report are chargeable *pro rata* with and liable to the municipality for the expenses incurred by the municipality in connection with the petition and report and the sum with which each of such petitioners is chargeable shall be entered upon the collector's roll for the municipality against the lands of the person liable, and shall be collected in the same manner as real property taxes. R.S.O. 1970, c. 136, s. 26 (2), *amended*. Liability of original petitioners

44. If, at the end of such council meeting, the petition contains a sufficient number of names to comply with section 4, the council may proceed to adopt the report, and, subject to section 59, no person having signed the petition shall, after the adoption of the report, be permitted to withdraw. R.S.O. 1970, c. 136, s. 26 (1), *amended*. Sufficiency of petition

45.—(1) A report may be adopted by by-law in the Form prescribed by the regulations and, when such by-law is given two readings by council, the report shall be deemed to be adopted and the by-law shall be known as a provisional by-law. R.S.O. 1970, c. 136, s. 27. Adoption of report

(2) Where a report is not adopted by council, any petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal. *New.* Appeal or referral to Tribunal

46.—(1) The council of the initiating municipality shall, within five days after the adoption of the report, send a copy of the provisional by-law, exclusive of the engineer's report, and a notice of the time and place of the first sitting of the court of revision by prepaid mail to every other local municipality in which any land or road is assessed for the drainage works or for which allowance or compensation has been provided for in the report. Notice of court of revision to be sent to local municipalities and to owners

(2) The council of the initiating municipality and of every local municipality to whom a copy of the provisional by-law Idem

is sent under subsection 1 shall, within thirty days after the adoption of the report, send a copy of the provisional by-law, exclusive of the engineer's report, and a notice of the time and place of the sitting of the court of revision by prepaid mail to each owner entitled to notice under section 41 informing the owner that he may appeal his assessment to the court of revision by a notice given to the clerk of the initiating municipality not later than ten days prior to the first sitting of the court of revision. R.S.O. 1970, c. 136, s. 29, *amended*.

Sittings
of court

(3) The first sitting of the court of revision shall be held on a day not earlier than twenty nor later than thirty days from the date of completing the mailing of the copies of the provisional by-law under subsection 2. R.S.O. 1970, c. 136, s. 31 (2), *amended*.

APPEALS

Appeal
from
report
to referee

47.—(1) Any owner of land or public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that it does not comply with the requirements of this Act, or that the engineer has reported that the drainage works cannot be constructed under section 4, may appeal to the referee and in every case a written notice of appeal shall be served upon the council of the initiating municipality within forty days after the mailing of the notices under section 41. R.S.O. 1970, c. 136, s. 36, *amended*.

Notice to
court
clerk

(2) Upon receipt of a notice of appeal under subsection 1, the clerk of the municipality shall forthwith record the notice and send a copy of the notice to the clerk of the court of the referee. R.S.O. 1970, c. 136, s. 36, *amended*.

Appeal to
Tribunal

48.—(1) Any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that,

- (a) the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof;
- (b) the drainage works should be modified on grounds to be stated;
- (c) the compensation or allowances provided by the engineer are inadequate or excessive;
- (d) the engineer has reported that the drainage works is not required, or is impractical, or cannot be constructed under section 3,

may appeal to the Tribunal, and in every case a written notice of appeal shall be served within forty days after the mailing of the notice under section 40 or 41. R.S.O. 1970, c. 136, ss. 36, 37, *amended*.

(2) Where lands used for agricultural purposes may be ^{Appeal by Director} affected by the drainage works, the Director may appeal to the Tribunal on any of the grounds and in the manner mentioned in subsection 1. *New*.

49. Where the proposed drainage works is to be under- ^{Appeal by conservation authority} taken within a watershed in which a conservation authority has jurisdiction, the authority may appeal from the report of the engineer to the Tribunal on the ground that the drainage works will injuriously affect a scheme undertaken by the authority under *The Conservation Authorities Act*, and ^{R.S.O. 1970, c. 78} in every case a written notice of appeal shall be served within forty days after the mailing of the notices under section 41. R.S.O. 1970, c. 136, s. 35, *amended*.

50.—(1) The council of any local municipality to which ^{Appeal by municipality} a copy of the report was sent under section 41 may, within forty days after the report is sent to the clerk, appeal to the Tribunal from the report by serving the clerk of the initiating municipality and the clerk of every other municipality assessed by the engineer with a written notice of appeal setting forth the reasons for such appeal. R.S.O. 1970, c. 136, s. 38 (1).

(2) The reasons for appeal may be the following, or any ^{Reasons for appeal} of them,

- (a) that the proposed drainage works as it affects the appealing municipality should be abandoned or modified, on grounds to be stated;
- (b) that the course of the drainage works or any part thereof should be altered;
- (c) that the drainage works does not provide a sufficient outlet;
- (d) that the drainage works should be carried to an outlet in the initiating municipality or elsewhere;
- (e) that a petition has been received by the council of the appealing municipality, as provided by section 4, for the enlargement by the appealing municipality of any part of a drainage works lying within its limits, and thence to an outlet, and that the council

is of opinion that such enlargement is desirable to afford drainage facilities for the area described in the petition;

(f) the work is unnecessary; or

(g) that the assessment against lands and roads within the limits of the appealing municipality and roads under its jurisdiction is illegal, unjust or excessive. R.S.O. 1970, c. 136, s. 38 (2), *amended*.

**Powers of
Tribunal**

51.—(1) On any appeal or reference to the Tribunal under this Act, the Tribunal shall hear and determine the matter and, where not so provided, may make such order and direct such things to be done as are authorized by this Act and as it considers proper to carry out the purposes of this Act.

Parties

(2) The parties to an appeal or reference to the Tribunal under this Act shall be the person making the appeal or reference and such other persons as the Tribunal may specify. *New*.

Appeals

52.—(1) Any owner of land assessed for the drainage works who complains that his or any other land or road has been assessed too high or too low or that any land or road that should have been assessed has not been assessed, or that due consideration has not been given as to type of use of land, may personally, or by his agent, appeal to the court of revision by giving notice in writing to the clerk of the initiating municipality setting out the grounds of his appeal, and the appeal shall be heard by the court of revision. R.S.O. 1970, c. 136, s. 31 (1), *amended*.

**Notices of
appeal**

(2) Every notice of appeal shall be given at least ten days before the first sitting of the court, but the court may, though notice of appeal has not been given, by resolution passed at its first sitting, allow an appeal to be heard on such conditions as to giving notice to all persons interested or otherwise as appear just. R.S.O. 1970, c. 136, s. 31 (3), *amended*.

**Adjournment
of court
or Tribunal**

53. When the ground of appeal is that lands or roads are assessed too high and the evidence adduced satisfies the court of revision or Tribunal that the assessments on such lands or roads should be reduced and there is no evidence to indicate that the amount of such reduction should be levied against lands or roads whose owners are parties to appeals then pending before the court of revision or Tribunal, the court or Tribunal shall adjourn the hearing of the appeal

for a time sufficient to enable the clerk to notify by prepaid mail such persons as the appellant may specify who are shown by the last revised assessment roll to be owners of land affected of the date to which the hearing is adjourned, and the clerk shall so notify all such persons, and at such adjourned hearing the court or Tribunal shall dispose of the matter of appeal and, where appropriate, redistribute the assessments in such manner as appears just. R.S.O. 1970, c. 136, s. 32, *amended*.

54.—(1) Any party to an appeal before the court of revision may appeal to the Tribunal by giving notice addressed to the clerk of the Tribunal, given to the clerk of the initiating municipality, from the decision of the court of revision or from its omission, neglect or refusal to hear or decide an appeal within twenty-one days of the pronouncement of the decision of the court of revision or of any matter evidencing such omission, neglect or refusal. R.S.O. 1970, c. 136, s. 33 (1), *amended*. Appeal to Tribunal

(2) The clerk of the Tribunal shall give ten days notice to an appellant of the time and place of the hearing of the appeal by the Tribunal. Notice

(3) Every appeal shall be heard by the Tribunal by way of a trial *de novo* and shall be disposed of by the Tribunal in such manner as it considers proper, and its decision is final. *New*. Procedure

55. In any appeal to the court of revision or to the Tribunal in which the engineer is called upon to give evidence as to how an assessment was determined, he shall give his evidence before the appellant presents his case. *New*. Evidence by engineer

56. Any change in an assessment made by the court of revision or by the Tribunal shall be given effect to by the clerk of the local municipality altering the assessments and other parts of the schedule to comply therewith and sending notice thereof to the owners affected, and the provisional by-law shall, before the passing thereof, be amended to carry out any changes so made by the court of revision or by the Tribunal. R.S.O. 1970, c. 136, s. 34, *amended*. Clerk to alter assessments

57. The council of the initiating municipality, at any time before passing the by-law, if it appears that there are or may be errors in the report of the engineer or that for any other reason the report should be reconsidered, may refer the report back to him for reconsideration, and the engineer shall thereupon reconsider his report and shall further report to the council, which report has the same effect and shall be Referral back to engineer

dealt with in the same manner and the proceedings thereon shall be the same as upon the original report. R.S.O. 1970, c. 136, s. 28, *amended*.

By-law
may be
passed

58.—(1) Where the council of an initiating municipality has adopted a report for the construction of a drainage works after the time for appealing has expired and there are no appeals or after all appeals have been decided, the council may pass a provisional by-law thereby authorizing the construction of the drainage works, and work may be commenced ten days after the by-law is passed if no notice of intention to make application to quash the by-law has been filed with the clerk of the council. R.S.O. 1970, c. 136, s. 40, *amended*.

Quashing
of by-law

(2) If no notice of intention to make application to quash a by-law is filed with the clerk of the council within ten days after the passing of the by-law or, where a notice of intention has been given, if an application to quash is not made to the referee within three months after the passing of the by-law, the by-law, or so much thereof as is not the subject of or is not quashed upon any such application, is valid and binding according to its terms, so far as it prescribes or directs anything within the proper competence of the council. R.S.O. 1970, c. 136, s. 44.

Repeal of
by-law

(3) A by-law may be repealed at any time before the work is commenced and before any assessment has been levied against the land assessed, and in such case the council of the initiating municipality shall pay all expenses in connection therewith out of the general funds of the municipality. R.S.O. 1970, c. 136, s. 42, *amended*.

Where
error in
report

(4) If, at any time after the by-law is passed and before any assessments are levied, a gross error in the report is found, the council of the initiating municipality may on notice to all persons assessed apply to the Tribunal to correct the error.

Appeal to
Tribunal

(5) Where the council does not proceed with reasonable dispatch with the construction of the work after passage of the by-law, a petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal, and the Tribunal may direct the council to take such action as the council is authorized to take under this Act and as the Tribunal considers proper. *New*.

Meeting
to consider
contract
price

59.—(1) Where the contract price exceeds 133 per cent of the engineer's estimate of the contract price, the council of the initiating municipality shall call a meeting in the

manner prescribed by section 41, and sections 42 and 43 apply *mutatis mutandis*.

(2) If at the close of the meeting the petition contains a sufficient number of names to comply with section 4, the council may proceed with the construction of the drainage works. *New.* Council may proceed with construction

60. The council of each local municipality to which a copy of the report is required to be sent under subsection 1 of section 41 shall raise and pay over to the treasurer of the initiating municipality its proportion of the cost of the construction of the drainage works within a reasonable time after the drainage works has been certified complete by the engineer or drainage superintendent. R.S.O. 1970, c. 136, s. 41 (1), *amended.* Municipalities required to raise cost

61.—(1) The council of each local municipality that is required to raise the whole or any part of the cost of the construction of the drainage works shall, forthwith after the time for appealing has expired and there are no appeals or after all appeals have been decided, by by-law impose upon the land assessed for the construction of the drainage works the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as the council may prescribe. R.S.O. 1970, c. 136, s. 41 (2), *amended.* Imposition of special assessment

(2) The council of any local municipality may provide that persons whose lands are assessed may commute for a payment in cash the assessments imposed thereon and may prescribe the terms and conditions thereof. R.S.O. 1970, c. 136, s. 41 (3). Commutation of special assessment

(3) Where the assessment against any parcel of land is \$50 or less, the council of the local municipality may provide that the assessment shall be paid out of the general funds of the municipality or that the assessment shall be paid in the first year in which the assessment is imposed upon the land assessed. R.S.O. 1970, c. 136, s. 41 (4), *amended.* Assessments of \$50 or less

(4) The assessments and rates imposed under this Act shall be deemed to be taxes, and the provisions of *The Municipal Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default of payment thereof, apply. R.S.O. 1970, c. 136, s. 41 (5). Application of R.S.O. 1970, c. 284

(5) Notwithstanding the provisions of any general or special Act, land exempt from taxation is for all purposes, except petitioning for or against undertaking a drainage works, subject to the provisions of this Act and shall be Lands exempt from taxation to be specially assessed

1974, c. 109

assessed, and the assessments so imposed that fall due while such land remains exempt from taxation shall be paid by the municipality that imposed the assessments, provided that such assessments imposed upon land on which a church or place of worship is erected and that is used in connection therewith, land of a university, college or seminary of learning, whether vested in a trustee or otherwise, and land of a board of an elementary or secondary school as defined in *The Education Act, 1974* and land owned by a county or a regional municipality, shall be paid by the owners of the land. R.S.O. 1970, c. 136, s. 41 (6), *amended*.

Amendment
of by-law

62.—(1) Any by-law for the assessment upon the lands and roads liable to contribute for any drainage works that has been acted upon by the completion of the drainage works in whole or in part shall, where more than sufficient funds or where insufficient funds have been provided for the completion of or proper contribution towards the drainage works or for the redemption of the debentures authorized to be issued thereunder as they become payable, be amended, and, if lands and roads in any other municipality are assessed for the drainage works, the surplus or deficiency of money shall be divided *pro rata* among the contributing municipalities, and every such surplus or deficiency shall be applied by the council of the municipality *pro rata* according to the assessment in payment of the rates imposed by it for the drainage works. R.S.O. 1970, c. 136, s. 48 (1, 3), *amended*.

When lands
and roads
in another
municipality
assessable

(2) Where a by-law provides insufficient funds and lands and roads in another municipality are assessed for the drainage works, the council of the initiating municipality shall appoint an engineer to make an examination of the drainage works and report upon it with an estimate of the cost of completion for which sufficient funds have not been provided under the original by-law, and shall notify the heads of the other local municipalities as in the case of the original report, and the council of any municipality so notified has a right of appeal to the Tribunal in the manner provided by section 50 on the grounds of the improper expending or unlawful or other application of the drainage money already raised and is subject to the same duty, as to raising and paying over its share of the money to be raised, as in the case of the original by-law. R.S.O. 1970, c. 136, s. 48 (2), *amended*.

Respon-
sibility
of owner
for
payment

(3) Where any allowance or compensation has been determined for an owner under sections 29 to 33, the council may, where the amount so determined is less than the total amount owing from that owner, deduct from that total the amount so determined and the owner shall be responsible for paying the balance in the manner prescribed by the by-law.

(4) Where any allowance or compensation mentioned in subsection 3 exceeds the total amount owing by the owner, the municipality shall pay the balance to him. *New.* Payment of balance

CONSTRUCTION

63.—(1) The contractor and his assistants when engaged in the construction, maintenance, improvement or repair of a drainage works may, with their equipment, enter upon whatever lands are necessary to complete the work within the working space designated in the engineer's report. Powers of contractor

(2) Every person who wilfully interferes with or obstructs the contractor or any of his assistants in the exercise of the powers conferred by subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. *New.* Penalty for obstruction

64. Any owner of land dissatisfied with the quality of the construction of a drainage works constructed under this Act may, at any time during construction or up to one year from the date of completion of the drainage works as certified by the engineer or drainage superintendent of the drainage works, appeal to the Tribunal on grounds to be stated. *New.* Appeal by owner of land

SPECIAL PROVISIONS

65.—(1) Subject to subsection 6, where a parcel of land has been assessed by an engineer and, after the final revision of the assessment, the parcel is divided by the change in ownership of any part, the clerk of the local municipality in which the parcel is situate shall instruct an engineer in writing to apportion the assessment charged against the parcel among the parts into which it is divided. Subsequent subdivision of land

(2) The clerk of the local municipality shall forthwith send a copy of the instructions by prepaid mail to the owners of the parts into which the parcel is divided. Notice to affected owners

(3) The engineer in making the apportionment shall have regard to the part of the parcel affected by the drainage works, and shall make the apportionment in writing and file it with the clerk of the local municipality who shall attach it to the original assessment and shall send, by prepaid mail, a copy thereof to each of such owners, and, subject to subsection 5, the apportionment is binding upon the lands assessed. R.S.O. 1970, c. 136, s. 19 (1-3). Apportionment of assessment

(4) The costs, including the fees of the engineer, shall be borne and paid by the parties in the manner fixed or Costs

apportioned by the engineer or, on appeal, by the Tribunal. R.S.O. 1970, c. 136, s. 19 (4), *amended*.

Appeal of
apportion-
ment

(5) Any such owner who is dissatisfied with such apportionment and who is assessed for a sum greater than \$200 may appeal to the Tribunal within forty days after the date a copy of the apportionment is sent to him by the clerk. R.S.O. 1970, c. 136, s. 19 (5), *amended*.

Agreement
on share
of
assessment

(6) When the owners of the subdivided land mutually agree on the share of the drainage assessment that each should pay, they may enter into a written agreement and file it with the clerk of the local municipality and, if the agreement is approved by the council by resolution, no engineer need be instructed under subsection 1. *New*.

Subsequent
connections
with drainage
works

66.—(1) Where an owner of land that is not assessed for drainage works subsequently connects the land with the drainage works for the purpose of drainage or where the nature or extent of the use of a drainage works by land assessed for the drainage works is subsequently altered, an engineer appointed by the initiating municipality for the purpose shall make a report and assess the land for a just proportion of the drainage works, regard being had to any compensation paid to the owner of such land in respect of the drainage works, but no person shall connect such land to the drainage works without the approval of the council of the municipality. R.S.O. 1970, c. 136, s. 20 (1), *amended*.

Use of
amount
collected

(2) The amount collected under subsection 1 shall be credited to the account of the drainage works and shall be used only for the improvement, maintenance or repair of the whole or any part of the drainage works. R.S.O. 1970, c. 136, s. 20 (2), *amended*.

Tenant's
covenant
to pay taxes,
when to
include
drainage
assessments

67. Any agreement on the part of a tenant to pay the rates or taxes in respect of the demised land does not include the charges and assessments for a drainage works unless the agreement in express terms so provides, but, in cases of contract to purchase or of leases giving the lessee an option to purchase, the charges and assessments for a drainage works, in connection with which proceedings were commenced under this Act after the date of the contract or lease and which have already been paid by the owner, shall in the absence of any agreement to the contrary, be added to the price and shall be paid by the purchaser or the lessee where he exercises his option to purchase, but the amount still unpaid on the cost of the drainage works and charged against the lands shall be borne by the purchaser unless otherwise provided by the conveyance or agreement. R.S.O. 1970, c. 136, s. 47, *amended*.

68. Where compensation or allowance has been paid to the owner of any land under section 32 or 33, the clerk of the local municipality shall cause to be registered in the proper land registry office a copy of the by-law adopting the report together with a statement of the amount paid and a description of the land in respect of which the amount was paid in the Form prescribed in the regulations. *New.*

Registration
of by-law

69.—(1) Where a drainage works or a part thereof is to be constructed, improved, maintained or repaired upon, along, adjoining, under or across the lands, permanent way, transmission lines, power lines, wires, conduits or other permanent property of a public utility or road authority, the public utility or road authority may construct, improve, maintain or repair such drainage works or part. R.S.O. 1970, c. 136, s. 21 (1), *amended.*

Public
utility
or road
authority,
option to
construct
drainage
works

(2) Where the public utility or road authority does not exercise its powers under subsection 1 or does not complete such drainage works or part within a reasonable time and without unnecessary delay, such drainage works or part may be completed by the initiating municipality in the same manner as any other drainage works. R.S.O. 1970, c. 136, s. 21 (2), *amended.*

Non-exercise
by public
utility
or road
authority

70. The fees and expenditures of the engineer form part of the cost of the drainage works. R.S.O. 1970, c. 136, s. 23 (1).

Fees of
engineer
part of cost

71. The account of the engineer shall be set out in such detail as the council of the local municipality that appointed him may require. R.S.O. 1970, c. 136, s. 23 (2).

Account
of
engineer

72.—(1) The council of the local municipality, within forty days after the engineer's account is presented to the clerk of the municipality, may, on notice to the engineer, apply to the Tribunal, which shall review the account and make any alteration it considers just. R.S.O. 1970, c. 136, s. 23 (3), *amended.*

Review by
Tribunal

(2) Where the account as confirmed or altered by the Tribunal exceeds \$1,000, either party may, on notice to the other party, appeal the decision of the Tribunal to the referee, whose decision is final. R.S.O. 1970, c. 136, s. 36.

Appeal
to referee

(3) In any application made under subsection 1, it shall not be necessary to notify all persons assessed for the drainage works. *New.*

Non-
requirement
of notice

Costs to
be deemed
part of cost
of drainage
works

73.—(1) Except where otherwise provided in this Act or by a decision on an appeal, the cost of any application, reference or appeal and the cost of temporary financing for the construction, improvement, repair and maintenance of a drainage works, shall form part of the cost of the drainage works. R.S.O. 1970, c. 136, s. 46, *amended*.

Cost of
council
meetings

(2) The cost of council meetings and special council meetings shall not be included in the cost of the drainage works. *New*.

Fees of
clerk

(3) The council of a local municipality may by by-law provide for payment to the clerk of the municipality of reasonable fees or other remuneration for services performed by him in carrying out the provisions of this Act, but such fees or other remuneration shall not be deemed to form part of the cost of the drainage works. R.S.O. 1970, c. 136, s. 43, *amended*.

MAINTENANCE, REPAIR AND IMPROVEMENT

Maintenance
of drainage
works and
cost

74. Any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, relating to the construction or improvement of a drainage works by local assessment, shall be maintained and repaired by each local municipality through which it passes, to the extent that such drainage works lies within the limits of such municipality, at the expense of all the upstream lands and roads in any way assessed for the construction or improvement of the drainage works and in the proportion determined by the then current by-law pertaining thereto until, in the case of each municipality, such provision for maintenance or repair is varied or otherwise determined by an engineer in a report or on appeal therefrom. R.S.O. 1970, c. 136, s. 49, *amended*.

Service of
copy of
by-law
on municip-
ality liable
for con-
tribution
and appeal
from by-law

75.—(1) The council of any local municipality undertaking the repair of a drainage works without the report of an engineer, shall, before commencing the repairs,

- (a) give two readings to a by-law for undertaking such repairs, which by-law shall recite the description, extent and estimated cost of the repairs to be done and the amount to be contributed therefor by each local municipality affected by the drainage works and shall be known as a provisional by-law; and
- (b) serve upon the head or clerk of any municipality liable to contribute any portion of the cost of such repairs a copy of the provisional by-law,

and the council of any municipality so served may, within forty days thereafter, appeal from such by-law to the Tribunal on the ground that work provided for in the by-law is unnecessary or that such drainage works has never been completed through the default or neglect of the municipality whose duty it was to do the work. R.S.O. 1970, c. 136, s. 50 (1), *amended*.

(2) The council of every municipality served with a copy of the provisional by-law shall, forthwith after the time for appealing from such by-law has expired and there are no appeals or after all appeals have been decided, pass a by-law to raise the amount assessed against lands and roads in the municipality, as stated in the provisional by-law or as determined on appeal therefrom, and shall pay over such amount within a reasonable time to the Treasurer of the initiating municipality. R.S.O. 1970, c. 136, s. 50 (2).

Council
to furnish
amount
required

(3) The council of any municipality shall not be required to assess and levy the amount charged for maintenance or repair of a drainage works more than once in every five years if the total expense incurred does not exceed the sum of \$1,000, in which case sections 64 and 65 of *The Ontario Municipal Board Act* do not apply. R.S.O. 1970, c. 136, s. 57, *amended*.

When levy
for
maintenance
required

R.S.O. 1970,
c. 323

76.—(1) The council of any local municipality liable for contribution to a drainage works in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the assessment for maintenance and repair of the drainage works may make an application to the Tribunal, of which notice has been given to the head of every other municipality affected by the drainage works, for permission to procure a report of an engineer to vary the assessment, and, in the event of such permission being given, such council may appoint an engineer for such purpose and may adopt the report but, if all the lands and roads assessed or intended to be assessed lie within the limits of one local municipality, the council of that municipality may procure and adopt such report without such permission. R.S.O. 1970, c. 136, s. 51 (1), *amended*.

Varying
original
assessments
for
maintenance

(2) The proceedings upon such report shall be the same, as nearly as may be, as upon the report for the construction of the drainage works. R.S.O. 1970, c. 136, s. 51 (2).

Proceedings
on report of
engineer

(3) Any council served with a copy of such report may, within forty days of such service, appeal to the Tribunal from the finding of the engineer as to the portion of the cost of the drainage works for which the municipality is liable. R.S.O. 1970, c. 136, s. 51 (3), *amended*.

Appeal from
report of
engineer

Appeal from
assessment

(4) Any owner of land assessed for maintenance or repair may appeal from the assessment in the report on the grounds and in the manner provided by section 52 in the case of the construction of the drainage works. R.S.O. 1970, c. 136, s. 51 (4), *amended*.

Basis of
future
assessments

(5) An assessment determined under this section shall thereafter, until it is further varied, form the basis of any assessment for maintenance or repair of the drainage works affected thereby. R.S.O. 1970, c. 136, s. 51 (5).

Deepening,
widening
or extending
without
report
of engineer

77.—(1) The council of any local municipality whose duty it is to maintain and repair a drainage works for which only lands and roads within or under the jurisdiction of the municipality are assessed may, after the completion of the drainage works, without the report of an engineer, upon a *pro rata* assessment on the lands and roads as last assessed for the construction, maintenance or repair of the drainage works, make improvements thereto by deepening, widening or extending the drainage works to an outlet, provided the cost of such deepening, widening or extending is not more than \$4,500, but the amount expended may be increased to 20 per cent of the initial cost of the drainage works upon receiving approval as set out in the requirements for a petition of those parties eligible to sign a petition under section 4. R.S.O. 1970, c. 136, s. 52 (1), *amended*.

Moving
drainage
works off
road

(2) Where any road authority desires to relocate a drainage works or part thereof that is on or adjacent to a road under its jurisdiction, upon the report of an engineer appointed by the municipality whose duty it is to maintain and repair the drainage works that the drainage works or part thereof can be moved to a specified new location without impairing the capacity or efficiency of such drainage works or adversely affecting any person or property, the council of a local municipality may authorize such relocation within the boundaries of the municipality at the expense of the road authority. R.S.O. 1970, c. 136, s. 52 (2), *amended*.

Improving,
upon
examination
and report
of engineer

78.—(1) Where, for the better use, maintenance or repair of any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, or of lands or roads, it is considered expedient to change the course of the drainage works, or to make a new outlet for the whole or any part of the drainage works, or to construct a tile drain under the bed of the whole or any part of the drainage works as ancillary thereto, or to construct, reconstruct or extend embankments, walls, dykes, dams, reservoirs, bridges, pumping stations and other protective works as ancillary to the drainage works, or to otherwise improve,

extend to an outlet or alter the drainage works or to cover the whole or any part of it, or to consolidate two or more drainage works, the council of any municipality whose duty it is to maintain and repair the drainage works or any part thereof may, without the petition required in section 4 but on the report of an engineer appointed by it, undertake and complete the drainage works as set forth in such report. R.S.O. 1970, c. 136, s. 53 (1), *amended*.

(2) An engineer shall not be appointed under subsection 1 until thirty days after a notice advising of the proposed drainage works has been sent by prepaid mail to the secretary-treasurer of each conservation authority that has jurisdiction over any of the lands that would be affected. R.S.O. 1970, c. 136, s. 53 (2), *amended*. Notice to conservation authority

(3) The engineer has all the powers and shall perform all the duties of an engineer appointed with respect to the construction of a drainage works under this Act. Powers and duties of engineer

(4) All proceedings, including appeals, with respect to a report under subsection 1 and the assessments therein shall be the same as on a report for the construction of a drainage works and the assessments therein. R.S.O. 1970, c. 136, s. 53 (3, 4). Proceedings on report and appeals

79.—(1) Upon thirty days notice in writing served by any person whose property is injuriously affected by the condition of a drainage works, upon the head or clerk of the local municipality whose duty it is to maintain and repair the drainage works, the municipality is compellable by an order of the referee to exercise the powers and to perform the duties conferred or imposed upon it by this Act as to maintenance and repair or such of the powers and duties as to the referee appears proper, and the municipality is liable in damages to the owner whose property is so injuriously affected. R.S.O. 1970, c. 136, s. 54 (1), *amended*. Power to compel repairs

(2) Notwithstanding subsection 1, the local municipality whose duty it is to maintain and repair drainage works shall not become liable in damages to any person whose property is injuriously affected by reason of the non-repair of the drainage works until after service by or on behalf of such person of the notice referred to in subsection 1 upon the head or clerk of the municipality, describing with reasonable certainty the alleged lack of maintenance and repair of the drainage works. R.S.O. 1970, c. 136, s. 54 (2). Municipality liable for damages caused by non-repair

(3) The local municipality whose duty it is to maintain and repair a drainage works is not liable in damages for No liability where drainage works blocked by ice or snow

any injury caused by reason of a drainage works being blocked by snow or ice and overflowing the lands of any person without negligence on the part of the municipal corporation. R.S.O. 1970, c. 136, s. 54 (3), *amended*.

Person
responsible
for
obstruction
to remove
it on
notice

80.—(1) When a drainage works becomes obstructed by a dam, low bridge, fence, washing out of a private drain, or other obstruction, for which the owner or occupant of the land adjoining the drainage works is responsible, so that the free flow of the water is impeded thereby, the persons owning or occupying the land shall, upon reasonable notice in writing given by the council of the local municipality whose duty it is to maintain and repair the drainage works or by the drainage superintendent appointed by the council, remove such obstruction and, if it is not so removed within the time specified in the notice, the council or the drainage superintendent shall forthwith cause it to be removed, and the cost thereof is payable to the municipality by the owner or occupant of the land. R.S.O. 1970, c. 136, s. 55 (1), *amended*.

Collection
of cost
of removal

(2) If the cost of removing the obstruction is not paid to the local municipality by the owner or occupant of the land forthwith after the completion of the work, the council may pay the cost, and the clerk of the municipality shall place the amount of cost upon the collector's roll against such land and such amount shall be collected in the same manner as real property taxes. R.S.O. 1970, c. 136, s. 55 (2).

Removal of
minor
obstructions

81. The council, by by-law or resolution, shall direct the drainage superintendent to remove from any drainage works all weeds and brushwood, fallen timber or other minor obstructions for which the owner or occupant of the lands adjacent to the drainage works may not be responsible, and the cost of such work is chargeable as part of the cost of maintenance of the drainage works. R.S.O. 1970, c. 136, s. 56, *amended*.

Municipality
may sue
for cost
of damage
to drainage
works

82.—(1) A municipality in which a drainage works or part thereof is situate may bring an action for damages against any person who destroys or injures in any way a drainage works, including any bench mark or permanent level, and any damages ordered by the referee to be paid shall be paid to the municipality and used for the construction, improvement, maintenance or repair of the drainage works. R.S.O. 1970, c. 136, s. 45, *amended*.

Penalty
for
damage
to drainage
works

(2) Every person who obstructs, fills up or injures or destroys by any means a drainage works is guilty of an offence and on summary conviction, in addition to his liability in

damages, is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1970, c. 136, s. 58, *amended*.

83.—(1) Except as authorized by a by-law of the initiating municipality approved by the Ministry of the Environment, ^{Pollution of drains prohibited} no person shall discharge or deposit or permit to be discharged or deposited into any drainage works any liquid, material or substance other than unpolluted drainage water. R.S.O. 1970, c. 136, s. 60 (1), *amended*.

(2) Every person who contravenes subsection 1 is guilty ^{Penalty for pollution} of an offence and on summary conviction is liable to a fine of not more than \$1,000. R.S.O. 1970, c. 136, s. 60 (2), *amended*.

84.—(1) Upon the written request of three-quarters of the owners of land assessed for benefit in respect of a drainage works, who, according to the last revised assessment roll, own not less than three-quarters of the area assessed for benefit as shown in the by-law or by-laws under which the drainage works exist, asking for the abandonment of such drainage works or a part thereof, the council of the initiating municipality shall forthwith notify all owners of land assessed for the drainage works by prepaid mail, at their addresses as shown in the last revised assessment roll, of its intention to abandon such drainage works, or such part thereof as is specified in the notice, unless any owner within ten days of the mailing of such notice, gives to the clerk of the municipality written notice that he requires a report of an engineer to be made on such proposed abandonment. R.S.O. 1970, c. 136, s. 61 (1), *part*. ^{Abandonment of all or part of drainage works}

(2) The council of the initiating municipality may give ^{Idem} notice as in subsection 1 of its intention to abandon a drainage works or such part thereof as is specified in the notice without any written request. R.S.O. 1970, c. 136, s. 61 (1), *part*.

(3) If, within such period of ten days, any owner notifies the clerk, the council shall appoint an engineer to examine the drainage works and report his recommendations as to the proposed abandonment, any necessary work in connection therewith, the sale of any assets, the cost of abandonment and all other appropriate matters and shall assess all costs, including his own compensation, and damage allowances against persons liable to assessment in connection with the drainage works in such proportions as appear just. ^{Engineer's report may be required}

(4) All proceedings, including appeals, with respect to a report under subsection 1 shall be the same *mutatis mutandis* ^{Procedures on report} as on a report for the construction of a drainage works.

Abandonment
by council

(5) If no notice is mailed to the clerk in accordance with subsection 1 or if the engineer's report, as it may be altered on appeal, recommends the abandonment of the drainage works, the council may by by-law abandon the drainage works, and thereafter the municipality has no further obligation with respect to the drainage works.

Disburse-
ment of
remaining
funds

(6) Any money remaining to the credit of the drainage works after it is abandoned shall be divided *pro rata* among the owners of lands and roads assessed therefor. R.S.O. 1970, c. 136, s. 61 (2-5).

GRANTS

Provincial
grants

85. Grants may be made in respect of,

- (a) assessments made under this Act upon lands used for agricultural purposes,
 - (i) for drainage works undertaken in accordance with section 4, 74 or 78 where a report of an engineer describing the current work has been adopted in accordance with this Act, and
 - (ii) for maintenance, repair and minor improvements undertaken on the recommendation of the drainage superintendent within the budgeting limitations established by the Minister for that municipality;
- (b) costs incurred by municipalities in the employment of a drainage superintendent; and
- (c) the total cost of preparing a preliminary report exclusive of the cost of preparing any benefit cost statement and any environmental appraisal. R.S.O. 1970, c. 136, s. 62 (1), *amended*.

When
grants
not to
be made

86.—(1) Subject to subsection 2, grants shall not be made in respect of assessments made under this Act upon lands owned by Canada, Ontario or a municipality or in respect of the assessment of the cost of lateral drains. R.S.O. 1970, c. 136, s. 62 (2), *amended*.

Exception

(2) Grants may be made in respect of lands owned by Ontario and leased for agricultural purposes to a lessee with an option to purchase. *New*.

Payment
of grant

87.—(1) The Minister, upon receipt of a duly completed application for a grant, may pay out of such moneys as are

appropriated therefor by the Legislature to the treasurer of the initiating municipality a grant of,

- (a) where the drainage works is in a municipality within a county or, subject to clause *b*, a regional municipality, $33\frac{1}{3}$ per cent of the assessments eligible for a grant under section 85; or
- (b) where the drainage works is in a municipality or a regional or district municipality within a territorial district or a provisional county, $66\frac{2}{3}$ per cent of the assessments eligible for a grant under section 85. R.S.O. 1970, c. 136, s. 64 (2), *amended*.

(2) Where a drainage works is in territory without municipal organization, an amount not exceeding 80 per cent of the assessments eligible for a grant under section 85 in respect of such drainage works may be paid by the Minister out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 136, s. 65 (2), *amended*. Grants in unorganized territory

(3) Where one or more municipalities employ a drainage superintendent who has qualifications satisfactory to the Minister, the Minister may direct that 50 per cent of the costs incurred by the municipality or municipalities in the employment of such superintendent shall be paid out of the moneys appropriated therefor by the Legislature. *New*. Payment of grant where drainage superintendent employed

88.—(1) Upon the practical completion of the drainage works and after the time for appealing against assessments has expired and there are no appeals or after all appeals against assessments have been decided, the council of the initiating municipality shall forward to the Director an application for a grant in such form as is provided by the Director. R.S.O. 1970, c. 136, s. 64 (1), *amended*. Application for grant

(2) No grant shall be paid in respect of interest charges on any drainage works accruing after 120 days from the completion thereof as certified by the engineer or drainage superintendent. *New*. Grant re interest charges

89.—(1) Where the drainage works is in two or more municipalities, the grant shall be distributed by the treasurer of the initiating municipality among all such municipalities in the proportion that the total of the assessments eligible for a grant in each municipality bears to the total of all assessments eligible for a grant in all of the municipalities. Distribution

(2) The treasurer of each municipality shall apply the amount of the grant received by that municipality to reduce Grant to be applied to reduce assessments

the assessment on each parcel of land in the municipality eligible for a grant in the proportion that each such assessment bears to the total of the assessments eligible for a grant in the municipality. R.S.O. 1970, c. 136, s. 64 (3, 4).

Reduction
of grant

90. The Minister may reduce or withhold a grant on any drainage works if in his opinion the costs other than the contract price are excessive. *New.*

DIRECTOR

Director

91. The Minister may appoint a Director for the purposes of this Act. *New.*

Persons to
advise and
assist

92. The Minister may designate such persons as he considers necessary to advise and assist municipalities and engineers in the application and administration of this Act and any such person who is not a member of the public service of Ontario shall be paid such remuneration as the Lieutenant Governor in Council may determine, together with his reasonable expenses. *New.*

DRAINAGE SUPERINTENDENT AND COMMISSIONERS

Appointment
of drainage
super-
intendent

93.—(1) The council of a local municipality may by by-law appoint a drainage superintendent,

- (a) to initiate and supervise the maintenance and repair of any drainage works; and
- (b) to assist in the construction or improvement of any drainage works,

and to report thereon to council and may provide for fees or other remuneration for services performed by him in carrying out the provisions of this Act, but such fees or other remuneration shall not be deemed to form part of the cost of the drainage works, and shall be paid from the general funds of the municipality.

Commis-
sioner
may be
appointed

(2) Where no drainage superintendent is appointed under subsection 1, the council may by by-law appoint one or more commissioners,

- (a) to assist the engineer in the construction or improvement of a drainage works; and
- (b) to supervise the maintenance of any drainage works,

and to report thereon to council and may provide for fees or other remuneration for services performed by him under this subsection, but such fees or other remuneration shall not be deemed to form part of the cost of the drainage works, and shall be paid from the general funds of the municipality. *New.*

94.—(1) The drainage superintendent shall inspect every drainage works for which the municipality is responsible at intervals of not less than three years, and shall periodically report to council on the condition of the drainage works in the municipality. *New.*

Inspection
of drains

(2) Two or more municipalities may appoint the same person to be drainage superintendent within each municipality. *New.*

Drainage
super-
intendent
may act
for more
than one
municipality

95.—(1) For the better maintenance and repair of drainage works by embanking, pumping or other mechanical operations, the council of the municipality initiating the drainage works may by by-law,

Appointment
of
commissioner

(a) appoint one or more commissioners with power to,

(i) enter into all necessary and proper contracts for the purchase of fuel, erection or repairs of buildings and purchase and repairs of machinery, and

(ii) do all other things necessary for successfully operating the drainage works and for keeping the embankment thereof in repair as may be set forth in the by-law appointing him; and

(b) provide for defraying the annual cost of maintaining and operating the drainage works by assessment upon the lands and roads in any way liable to assessment therefor. R.S.O. 1970, c. 136, s. 59, *amended.*

(2) The fees or other remuneration of a commissioner shall form part of the cost of the maintenance and repair of the drainage works. *New.*

Fees, etc.

(3) The drainage superintendent and the commissioner have the same powers as to entry on land as are given to the engineer and his assistants under subsection 1 of section 12. *New.*

Powers of
super-
intendent
and
drainage
commissioner

COURTS OF REVISION

96.—(1) Subject to subsection 3, a court of revision shall consist of three or five members appointed by the

Court of
revision

council of the initiating municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.

Qualification (2) Every such member shall be a person eligible to be elected a member of council or shall be a member of council. R.S.O. 1970, c. 136, s. 30.

Where more than one municipality (3) Where the lands assessed for the drainage works extend from the initiating municipality into a neighbouring municipality, the court of revision shall consist of two members appointed by the council of the initiating municipality, of whom one shall be chairman and one member appointed by the council of each of the neighbouring municipalities and the court shall hear and rule on appeals as if the entire area affected by the drainage works were in one municipality. *New.*

THE ONTARIO DRAINAGE TRIBUNAL

Tribunal established **97.**—(1) The Ontario Drainage Tribunal is hereby established and shall be composed of a chairman and such number of vice-chairmen and other members as shall be appointed by the Lieutenant Governor in Council.

Quorum (2) Three members of the Tribunal designated by the chairman, one of whom shall be a barrister entitled to practice in Ontario, shall constitute a quorum and have all of the jurisdiction and powers of the Tribunal.

Remuneration (3) The members of the Tribunal who are not members of the public service of Ontario shall be paid such remuneration as the Lieutenant Governor in Council may determine, together with their reasonable expenses.

Powers of Tribunal (4) The Tribunal may,
 (a) hold sittings at any place in Ontario and in more than one place at the same time; and
 (b) procure reports from engineers and other professional persons in order to assist the Tribunal in reaching a decision.

Tribunal may make rules (5) Subject to the approval of the Lieutenant Governor in Council, the Tribunal may make rules governing its practice and procedure and the exercise of its powers.

Clerk of Tribunal (6) The clerk of the initiating municipality shall be the clerk of the Tribunal.

(7) The Tribunal may from time to time employ stenographic reporters to report hearings before the Tribunal and may fix their fees and such fees shall be included in the costs of the hearing and shall be borne and paid as the Tribunal may direct. Stenographic reporters

(8) Where the sittings of the Tribunal are to be held in a municipality, the municipality shall provide a suitable room for holding a hearing. Sittings of Tribunal

(9) The Tribunal shall send by registered mail addressed to the parties to any proceedings who took part in the hearing, at their addresses last known to the Tribunal and to the Minister, a copy of its final decision and order, if any, in the proceedings. Copy of decision

(10) The costs of any proceedings before the Tribunal shall be paid by or apportioned between the parties in such manner as the Tribunal considers proper, and where costs are ordered to be paid, the order for payment thereof may be filed in any small claims court having jurisdiction in the municipality and is enforceable as a judgment or order of such court. Costs, payment of

(11) The costs chargeable or to be awarded in any proceedings may include the costs of witnesses and of procuring their attendance, the costs of secretarial staff and such other costs as the Tribunal may direct, and may be taxed according to the allowance in a small claims court for such costs, and, in cases where execution issues, the costs thereof as in the like court, and of enforcing the execution, may also be collected thereunder. *New.* What costs chargeable

98. In any application, appeal or reference to the Tribunal, the action shall be commenced by serving notice upon the council of the initiating municipality and the clerk shall forthwith record the notice and except as otherwise provided send a copy of the notice to the Tribunal and to all persons assessed for the drainage works. *New.* Appeal commenced by notice

99. The Tribunal, in any case that it considers proper, may extend the time otherwise limited for application, appeal or reference. *New.* Extension of time

100. In any application, appeal or reference under sections 8, 10, 48, 49, 50, 54, 64, 65 and 75 the decision of the Tribunal is final. *New.* Decision final

REFEREE

101.—(1) The Lieutenant Governor in Council may appoint a referee for the purposes of this Act. Appointment of referee

Acting
referee

(2) The Lieutenant Governor in Council from time to time may appoint an acting referee or referees for the purposes of this Act, and an acting referee has the same powers and duties as the referee.

Qualification

(3) The referee or an acting referee shall be a justice of the Supreme Court or a judge of a county court.

Remunera-
tion

(4) Notwithstanding any other Act, the referee or an acting referee shall be paid such remuneration as the Lieutenant Governor in Council may determine, together with his reasonable expenses and expenses for secretarial services. R.S.O. 1970, c. 136, s. 66.

Notice of
time and
place of
hearing

102.—(1) Where an application or appeal is made to the referee, he shall give an appointment to the parties to proceed therewith at such place and time and in such manner as to him may seem proper, but, unless the parties otherwise consent, a hearing shall be in the county or one of the counties in which the drainage works is or is to be situate. R.S.O. 1970, c. 136, s. 68 (1).

Use of
court house,
etc.

(2) When an appointment is given by the referee for a hearing in any municipality where a court house is situate, he has in all respects the same authority as a judge of the Supreme Court with respect to the use of the court house or other place or apartments therein. R.S.O. 1970, c. 136, s. 69, *amended*.

Clerk
of court

103.—(1) The clerk of the county court shall be the clerk of the court of the referee and shall take charge of and file all the exhibits, and is entitled to the same fees for filings and for his services and for certified copies of decisions or reports as for similar services in the county court.

Fees of
clerk

(2) The clerk of the court is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee may direct.

Acting
clerk

(3) In the absence of the clerk of the county court, the referee may appoint some other person to act as clerk of the court of the referee for the purpose of the trial and for taking charge of and filing all exhibits, and the person so appointed while so acting has the same power as the clerk of the county court and is entitled to such fees as the referee may direct for his attendance at the court, and such fees shall be included in the costs and shall be borne and paid as the referee may direct. R.S.O. 1970, c. 136, s. 68 (2-4).

(4) The referee may from time to time employ stenographic reporters to report hearings and trials before the referee and fix their fees, and such fees shall be included in the costs and shall be borne and paid as the referee may direct. R.S.O. 1970, c. 136, s. 68 (5). Stenographic
reporters

104. Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the referee in the exercise of the jurisdiction conferred by this Act whenever required so to do, and shall, upon the certificates of the referee, be paid such fees as they are entitled to for similar services at the sittings of the Supreme Court for the trial of causes. R.S.O. 1970, c. 136, s. 70, *amended*. Sheriffs, etc.,
to assist
referee

105.—(1) The referee has original jurisdiction, Powers
of referee

- (a) to entertain any appeal with respect to the report of the engineer under section 47;
- (b) to determine the validity of, or to confirm, set aside or amend any petition, resolution of a council, provisional by-law or by-law relating to a drainage works under this Act or a predecessor of this Act;
- (c) to determine claims and disputes arising under this Act, including, subject to section 119, claims for damages with respect to anything done or purporting to have been done under this Act or a predecessor of this Act or consequent thereon;
- (d) to entertain applications for orders directing to be done anything required to be done under this Act;
- (e) to entertain applications for orders restraining anything proposed or purporting to be done under this Act or a predecessor of this Act; and
- (f) over any other matter or thing in relation to which application may be made to him under this Act. R.S.O. 1970, c. 136, s. 73, *amended*.

(2) Subject to section 100, the referee has jurisdiction to hear appeals from any decision or order of the Tribunal and for such purpose may make any order that the Tribunal might have made and may substitute his opinion for that of the Tribunal. *New*. Juris-
diction
of referee

(3) The referee has jurisdiction to entertain and dispose of any interlocutory application relating to any matter other- Idem

wise within his jurisdiction and his order thereon is final. R.S.O. 1970, c. 136, s. 82.

Deter-
mination
of questions
of fact
or law

(4) The referee has power to determine all questions of fact or law that it is necessary to determine for the purpose of disposing of any matter within his jurisdiction and to make such decision, order or direction as may be necessary for such purpose. *New.*

Referee
may make
rules

106.—(1) The referee may, with the approval of the Lieutenant Governor in Council, make rules regulating the practice and procedure to be followed in all proceedings before him under this Act and may prescribe tariffs and fees therefor. R.S.O. 1970, c. 136, s. 86.

Referee
may give
directions

(2) The referee may give directions relating to the conduct of proceedings before him and as to the persons who shall be parties to such proceedings. R.S.O. 1970, c. 136, s. 68 (1), *amended.*

Taxation
of costs

107. Costs shall be taxed by the referee, or he may direct the taxation thereof by the clerk of the county court with whom the papers are filed or by a taxing officer of the Supreme Court. R.S.O. 1970, c. 136, s. 88.

Costs in
discretion
of referee

108. The costs of any proceedings before the referee are in the discretion of the referee. R.S.O. 1970, c. 136, s. 72 (3), *amended.*

Tariff
of costs

109. In the absence of other provisions, the tariff of costs in any application or proceeding under this Act shall be that of the court that would have jurisdiction to try a civil action involving a similar amount of money or type of proceeding. R.S.O. 1970, c. 136, s. 87.

Proceedings
instituted
by notice

110.—(1) Proceedings for the determination of claims and disputes and for the recovery of damages, or for an order directing or restraining the doing of any act or thing shall be instituted by serving ten clear days notice setting forth the grounds of the claim upon all persons concerned.

Notice
filed
in county
court

(2) A copy of the notice with an affidavit of service thereof shall be filed with the clerk of the county court of the county in which the initiating municipality is situate, and the notice shall be filed and served within two years from the time the cause of complaint arose. R.S.O. 1970, c. 136, s. 74, *amended.*

Affidavits
filed
before
motion

111. All affidavits intended to be used in support of a motion shall be filed with the clerk of the county court

not fewer than five days before the return day of the motion.
R.S.O. 1970, c. 136, s. 75.

112. The referee may, where he considers it proper, extend the time otherwise limited for appeals or other proceedings.
New.

Extension
of time
for appeal

113. When the referee proceeds partly on view or on any special knowledge or skill possessed by him, he shall put in writing a statement thereof sufficiently full to allow the Divisional Court to form a judgment of the weight that should be given thereto, and he shall state as part of his reasons the effect given by him to such statement. R.S.O. 1970, c. 136, s. 78, *amended*.

When
referee
proceeds
on view

114. The decision of the referee, with the evidence, exhibits and statement, if any, of inspection or of technical knowledge and the reason for his decision, shall be filed in the office of the clerk of the county court in the county in which the initiating municipality is situate, and notice of the filing shall forthwith be given by the clerk, by prepaid mail, to the solicitors of the parties appearing by solicitor and to the other parties not represented by a solicitor, and also to the clerk of each municipality affected. R.S.O. 1970, c. 136, s. 79.

Clerk to
forward
notice of
filing

115. A copy of the decision certified by the referee or clerk of the court shall be sent or delivered,

Copy of
decision to
be sent to
Minister and
municipality

(a) to the Minister without charge; and

(b) to the clerk of every municipality interested in the drainage works in question upon receipt of the sum chargeable therefor. R.S.O. 1970, c. 136, s. 80.

116. The provisional by-law or the by-law of the initiating municipality and of any other municipality interested shall be amended so as to incorporate and carry into effect the decision of the referee or such decision as varied on appeal, as the case may be. R.S.O. 1970, c. 136, s. 72 (1).

Amendment
of by-law

117.—(1) Except as provided by subsections 2, 3 and 4, all damages and costs payable by a municipality and arising from proceedings taken under this Act shall be levied upon the lands and roads in any way assessed for the drainage works for construction, improvement, maintenance or repair in such manner as the referee or court may determine, and may be assessed, levied and collected in the same manner as rates assessed, levied and collected for maintenance under this Act.

Assessing
of costs
payable

Municipality
in default
to pay costs

(2) Where such damages and costs become payable owing to any improper action, neglect, default or omission on the part of the council of any municipality or of any of its officers or employees in the construction, improvement, maintenance or repair of the drainage works or in carrying out the provisions of this Act, the referee or court may direct that the whole or any part of such damages and costs shall be borne by the municipality and be payable out of the general funds thereof

In cases of
settlement

(3) Where in any such proceedings by or against a municipality a settlement is made, the damages and costs payable under the terms of the settlement by any municipality shall be borne and paid as directed by the referee or court, and in making such direction, the referee or court shall have regard to the provisions of subsection 2.

Where
extension
of drainage
works
necessary

(4) Where, in the opinion of the referee or court, damages and costs have become payable by reason of the insufficiency of the capacity or outlet of a drainage works and it is necessary in order to prevent a continuance of such damage to improve the drainage works, the referee or court may permit the council of the municipality to add such damages and costs to the engineer's estimate of the cost of any such improvement. R.S.O. 1970, c. 136, s. 77, *amended*.

Transfer
to other
court

118. Where an action is brought or is pending before the court of revision or the Tribunal or the referee and the matter should properly be heard by one of the other tribunals, the action may be transferred to the other tribunal without invalidating the proceedings provided the action was launched within the time limits prescribed in this Act. *New*.

Actions
may be
transferred
to referee

119.—(1) Where an action is brought or is pending and the court in which the action is brought or is pending or a judge thereof is of opinion that the relief sought therein is properly the subject of a proceeding under this Act or that it may be more conveniently tried before and disposed of by the referee, the court or judge may, on the application of either party, at any stage of the action make an order transferring it to the referee on such terms as appear just, and the referee shall thereafter give directions for the continuance of the action before him.

Limitation

(2) This section applies only where the action is brought within the period limited by this Act for taking proceedings on notice. R.S.O. 1970, c. 136, s. 76.

APPEAL TO DIVISIONAL COURT

120. Except as otherwise provided in this Act, the decision of the referee or acting referee may be appealed from to the Divisional Court in accordance with the rules of court within thirty days after the filing thereof with the county court clerk or within such further time as the referee or Divisional Court or a judge thereof may allow. R.S.O. 1970, c. 136, s. 83, *amended*.

Appeal from
decision
of referee

GENERAL

121.—(1) Where it is considered necessary or expedient to extend a drainage works constructed under this Act from Ontario into or through lands in an adjoining province, or to extend a drainage works from an adjoining province into or through lands in Ontario, the Lieutenant Governor in Council may authorize the Minister to enter into an agreement with a designated officer of the adjoining province as to the proportion of the cost of any drainage works in the adjoining province to be borne and paid by Ontario and as to the proportion of the cost of any drainage works in Ontario to be borne and paid by the adjoining province.

Inter-
provincial
drainage
works,
from
Ontario
into
adjoining
province

(2) Where such a drainage works extends from Ontario into or through lands in an adjoining province, the Minister may order a local municipality in Ontario in which the lands affected by the drainage works are situate to provide funds to pay for the proportion of the cost of the drainage works in the adjoining province to be borne and paid by Ontario, and thereupon this Act applies *mutatis mutandis* to such drainage works.

Apportion-
ment
of cost

(3) Where a drainage works extends from an adjoining province into or through lands in Ontario, the Minister may order a local municipality into which the drainage works extends to provide for the construction of the necessary drainage works, and thereupon this Act applies *mutatis mutandis* to such drainage works, and the contribution to the drainage works from the other province shall be paid to such local municipality on the completion of the drainage works. R.S.O. 1970, c. 136, s. 11.

Extension
of drainage
works from
adjoining
province

122. The Minister in his discretion and from time to time may prescribe the manner in which a drainage works shall be initiated and carried out in territory without municipal organization and the manner in which and the terms and conditions under which grants may be made. R.S.O. 1970, c. 136, s. 65 (1).

Initiation
of drainage
works in
unorganized
territory

Author-
ization of
emergency
work

123. Where the Minister declares that an emergency exists, the council of a municipality may authorize emergency work under this Act before obtaining and adopting an engineer's report. *New.*

Regulations

124. The Lieutenant Governor in Council may make regulations prescribing forms and providing for their use. *New.*

Transitional
R.S.O. 1970,
c. 136

125. Notwithstanding section 126, all proceedings commenced under *The Drainage Act* that are not completed before this Act comes into force shall be continued and completed in accordance with *The Drainage Act*.

Repeal

126. *The Drainage Act*, being chapter 136 of the Revised Statutes of Ontario, 1970, is repealed.

Commence-
ment

127. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

128. This Act may be cited as *The Drainage Act, 1975*.

The Drainage Act, 1975

1st Reading

June 27th, 1975

2nd Reading

July 8th, 1975

3rd Reading

July 10th, 1975

THE HON. W. A. STEWART
Minister of Agriculture and Food

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BILL 131

Government
Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Tile Drainage Act, 1971

Ontario. Legislative Assembly

THE HON. W. A. STEWART
Minister of Agriculture and Food



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EXPLANATORY NOTES

SECTION 1. The amendment provides for an appeal to The Ontario Drainage Tribunal where an application to borrow money under section 3 of the Act is refused or the amount applied for is reduced.

SECTION 2. The purpose of the amendment is to require a sketch to be submitted by an inspector where he is making an inspection under section 4 of the Act.

SECTION 3. The amendment is to clarify that a district or regional municipality may only issue one debenture per month notwithstanding that a district or regional municipality is empowered to issue debentures on behalf of each of its constituent municipalities.

SECTION 4. The section provides that where the land is no longer used for agriculture, the balance of the loan becomes due and payable and that the moneys collected are to be applied towards the payment of the debentures of the municipality or the district or regional municipality.

BILL 131

1975

An Act to amend The Tile Drainage Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 3 of section 3 of *The Tile Drainage Act, 1971*, s. 3 (3), amended being chapter 37, is amended by striking out “whose decision is final” in the second line.
- (2) The said section 3 is amended by adding thereto the s. 3, amended following subsections:
 - (4) Where the council refuses an application or reduces the amount applied for, the applicant may appeal to The Ontario Drainage Tribunal established under *The Drainage Act, 1975*, Appeal to The Ontario Drainage Tribunal 1975, c. by serving upon the clerk of the municipality written notice of appeal within twenty days of the delivery of the notice of decision referred to in subsection 3.
 - (5) Upon an appeal to the Tribunal under subsection 4, Tribunal may confirm or alter decision of council the Tribunal may confirm or alter the decision of the council and may make such order as it considers proper.
2. Section 4 of the said Act is amended by inserting after “form” s. 4, amended in the fourth line “together with a sketch indicating the location, spacing, direction and depth of the tile as laid”.
3. Subsection 2 of section 5 of the said Act is repealed and the s. 5 (2), re-enacted following substituted therefor:
 - (2) A municipality, or a district or regional municipality, Municipality not to issue more than one debenture per month on behalf of one or more municipalities, shall not issue more than one debenture in any month, the amount of which may combine amounts to be loaned by the municipality or municipalities with respect to a number of drainage works.
4. The said Act is amended by adding thereto the following s. 8a, enacted section:

Repayment
where land
use is
changed

8a.—(1) Where, at any time before a loan is repaid, the council of a municipality is satisfied that the land is no longer being used for agriculture, the balance of the loan, together with interest thereon, shall become immediately due and payable and such amount may be added to the taxes for the current year.

Amounts
to be
remitted
to
Treasurer

(2) Any amounts collected under subsection 1 shall forthwith be remitted to the Treasurer of Ontario or his assignee who shall apply them towards payment of the debentures of the municipality or district or regional municipality.

s. 9 (1),
re-enacted

5. Subsection 1 of section 9 of the said Act is repealed and the following substituted therefor:

Repayment
by municipi-
pality to
Province

(1) The amount payable in each year for principal and interest shall be remitted to the Treasurer of Ontario,

(a) in the case of debentures issued prior to the 1st day of September, 1971, not later than the 10th day of the month next following the month in which the payment fell due; and

(b) in the case of debentures issued on or after the 1st day of September, 1971, on or before the due date.

s. 9a,
enacted

6. The said Act is further amended by adding thereto the following section:

Loans in
territory
without
municipal
organiza-
tion

9a.—(1) The Minister of Agriculture and Food, subject to the approval of the Lieutenant Governor in Council may, from time to time, prescribe the manner in which drainage works shall be initiated and carried out in territory without municipal organization and the manner in which and the terms and conditions under which loans may be made to persons out of the moneys appropriated therefor by the Legislature.

Lien

(2) The amount loaned to any one person under subsection 1 shall not exceed 75 per cent of the total cost of the work and shall constitute a lien upon the estate or interest of the owner in the land upon which the work was done and where repayment of the amount so loaned is in default such amount may be deducted from any moneys payable by Ontario to the person under any other Act and may be recovered by proceedings in any court of competent jurisdiction.

Expenditure

(3) The moneys required for the purposes of this section shall, until the 31st day of March, 1976, be paid out of the

SECTION 5. The new subsection sets out the payment dates for debentures issued before and after the 1st day of September, 1971.

SECTION 6. The new section allows the Minister to make loans to persons in territories without municipal organization. The section also provides that such loans constitute a lien upon the estate or interest of the owners of the land upon which the work was done.

SECTION 7. Section 11 is amended to clarify that where a loan is repaid, the moneys received are to be applied towards payment of the debentures of the municipality or district or regional municipality.

Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

7. Section 11 of the said Act is amended by adding at the end thereof "and any amounts so paid shall be forthwith remitted by the treasurer of the municipality to the Treasurer of Ontario or his assignee who shall apply them towards payment of the debentures of the municipality or district or regional municipality". ^{s. 11, amended}
8. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. ^{Commencement}
9. This Act may be cited as *The Tile Drainage Amendment Act, 1975*. ^{Short title}

An Act to amend
The Tile Drainage Act, 1971

1st Reading

June 27th, 1975

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(Government Bill)

CA20N

XB

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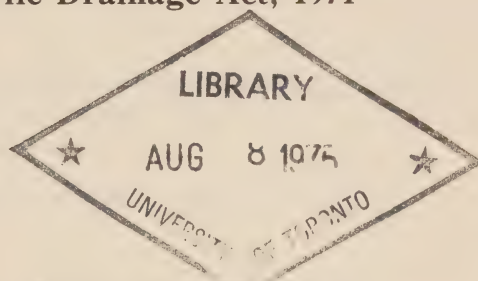
BILL 131

Legislative
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Tile Drainage Act, 1971



THE HON. W. A. STEWART
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 131

1975

An Act to amend The Tile Drainage Act, 1971

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being chapter 37, is amended by striking out “whose
decision is final” in the second line. amended

- (2) The said section 3 is amended by adding thereto the s. 3,
amended
following subsections:

(4) Where the council refuses an application or reduces the Appeal
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Tribunal
1975, c.
amount applied for, the applicant may appeal to The Ontario
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by serving upon the clerk of the municipality written notice
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of decision referred to in subsection 3.

(5) Upon an appeal to the Tribunal under subsection 4, Tribunal may
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alter
decision of
council
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following substituted therefor:

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(2) The amount loaned to any one person under subsection 1 shall not exceed 75 per cent of the total cost of the work and shall constitute a lien upon the estate or interest of the owner in the land upon which the work was done and where repayment of the amount so loaned is in default such amount may be deducted from any moneys payable by Ontario to the person under any other Act and may be recovered by proceedings in any court of competent jurisdiction.

Expenditure

(3) The moneys required for the purposes of this section shall, until the 31st day of March, 1976, be paid out of the

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7. Section 11 of the said Act is amended by adding at the end thereof "and any amounts so paid shall be forthwith remitted by the treasurer of the municipality to the Treasurer of Ontario or his assignee who shall apply them towards payment of the debentures of the municipality or district or regional municipality". s. 11,
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9. This Act may be cited as *The Tile Drainage Amendment Act*, Short title
1975.

An Act to amend
The Tile Drainage Act, 1971

1st Reading

June 27th, 1975

2nd Reading

July 8th, 1975

3rd Reading

July 8th, 1975

THE HON. W. A. STEWART
Minister of Agriculture and Food

CA20N

XB

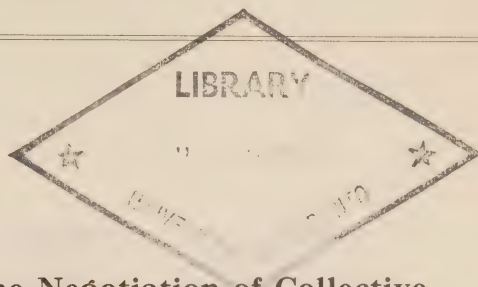
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Publications

BILL 132

Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975



**An Act respecting the Negotiation of Collective
Agreements between the Provincial Schools
Authority and Teachers**

Ontario. Legislative Assembly

THE HON. T. L. WELLS
Minister of Education

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill makes the provisions of *The School Boards and Teachers Collective Negotiations Act, 1975*, with appropriate changes, apply to teachers employed in schools operated by the Ministry of Education, the Ministry of Correctional Services and the Ministry of Health.

Provision is made for a Provincial Schools Authority to negotiate on behalf of the Ministries.

BILL 132

1975

**An Act respecting the Negotiation of Collective
Agreements between the Provincial Schools
Authority and Teachers**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "agreement" means a written collective agreement made pursuant to this Act between the Authority and the employee organization in respect of matters that are negotiable under this Act;
- (b) "Authority" means the Provincial Schools Authority established under this Act;
- (c) "Commission" means the Education Relations Commission established under *The School Boards and Teachers Collective Negotiations Act, 1975*, c. ...
- (d) "employee organization" means the organization that is formed pursuant to this Act by teachers;
- (e) "principal" means a teacher who is appointed to be in charge of a school;
- (f) "school" means a school operated by,
 - (i) the Ministry of Correctional Services,
 - (ii) the Ministry of Health, or
 - (iii) the Ministry of Education,

but does not include the Ontario Teacher Education College, a summer course or a correspondence course;

(g) "teacher" means a person,

(i) who holds a valid certificate of qualification as a teacher in an elementary or secondary school in Ontario,

1974, c. 109

(ii) who holds a letter of standing granted by the Minister under *The Education Act, 1974*, or

(iii) whose appointment as a teacher has been authorized by the Minister of Education,

and who is employed in a school under a contract of employment as a teacher;

(h) "vice-principal" means a teacher who is appointed to be in charge of a school in the absence of the principal;

(i) "written collective understanding" means a written collective agreement in operation immediately before this Act comes into force respecting terms of employment of teachers.

Provincial
Schools
Authority

2.—(1) There shall be a Provincial Schools Authority that shall consist of five members appointed by the Lieutenant Governor in Council.

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council shall designate one of the members of the Authority as chairman and one as vice-chairman.

Secretary

(3) The Authority shall appoint a secretary.

Remunera-
tion

(4) The members and the secretary of the Authority shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Moneys

(5) The moneys required for the purposes of the Authority are payable, until the 31st day of March, 1976, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature.

Teachers
to be
employees of
Authority

3. When this Act comes into force,

(a) the teachers cease to be Crown employees and their contracts of employment are vested in the Authority;

(b) the sick leave credits and the termination of employment benefits standing to the credit of a teacher

whose contract of employment is vested in the Authority under clause *a* shall stand to the credit of the teacher in the system of sick leave credit gratuities of the Authority; and

- (c) *The Labour Relations Act* does not apply to the teachers or to the Authority. R.S.O. 1970, c. 232

4.—(1) Subject to subsection 2, the Authority is responsible for all matters relating to the employment of teachers, and for such purpose has all the powers and is subject to the duties and liabilities of a board under *The Education Act, 1974*. Employment of teachers 1974, c. 109

(2) All matters relating to administration in respect of teachers who teach in a school operated by a Ministry referred to in clause *f* of section 1 are the responsibility of the deputy minister of the Ministry, and each such Ministry that operates a school shall provide the salaries and benefits of the teachers of such school in accordance with the contracts of employment of such teachers. Administration

(3) Every written collective understanding is binding on the Authority and the teachers covered by the written collective understanding. Interim provision

(4) For the purposes of *The Teachers' Superannuation Act*, a teacher employed by the Authority shall be deemed to be employed as a teacher by the minister of a ministry of the government of Ontario. Application of R.S.O. 1970, c. 455

(5) For the purposes of subsection 7 of section 155 of *The Education Act, 1974*, employment by the Authority shall be deemed to be employment with the Ministry of Education. Continuity of sick leave credits

(6) Part IX of *The Education Act, 1974* applies *mutatis mutandis* to the teachers and to the Authority. Application of Part IX, 1974, c. 109

5. Where the teachers propose to negotiate an agreement, they shall, for such purpose, form one employee organization, which shall represent them for the purposes of this Act. Employee organization

6.—(1) The provisions of *The School Boards and Teachers Collective Negotiations Act, 1975*, except clauses *a* to *g*, *i* to *k* and *m*, *n* and *p* of section 1, section 4, clauses *a* and *b* of section 8, sections 60 and 63, clause *d* of section 74, subsection 2 of section 78 and sections 83 and 84, apply *mutatis mutandis* as if such provisions were enacted in and formed part of this Act, and references therein to "board", "branch affiliate" and "parties" shall be deemed to be references Application of 1975, c. ...

respectively to the Authority, the employee organization, and the Authority and the employee organization.

Form of
contracts

(2) For the purposes of subsection 2 of section 55 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the teachers who are employed in schools immediately before this Act comes into force shall be deemed to have contracts of employment in the form of contract prescribed by the regulations under *The Education Act, 1974*.

1974, c. 109

Where
approval
required

(3) Where the Authority proposes to act in accordance with subsection 1 or 3 of section 69 of *The School Boards and Teachers Collective Negotiations Act, 1975*, it shall do so only with the approval of the Minister responsible for the Ministry that operates the school or schools that will be affected.

Contraven-
tion by
employee
organization
1975, c. ...

(4) For the purposes of subsection 1 of section 78 of *The School Boards and Teachers Collective Negotiations Act, 1975*, "person" includes the employee organization and the Authority.

Compell-
ability of
witnesses

(5) In addition to the persons referred to in section 82 of *The School Boards and Teachers Collective Negotiations Act, 1975*, a minister of the Crown and his deputy minister are not compellable witnesses in any proceedings under this Act.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Provincial Schools Negotiations Act, 1975*.

An Act respecting the
Negotiation of Collective Agreements
between the Provincial Schools
Authority and Teachers

1st Reading

June 27th, 1975

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

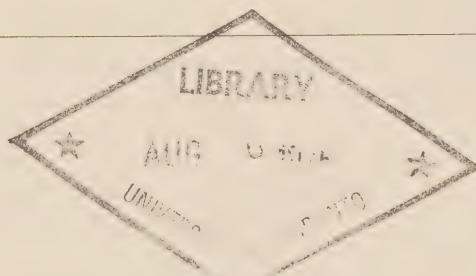
(Government Bill)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act respecting the Negotiation of Collective
Agreements between the Provincial Schools
Authority and Teachers**

THE HON. T. L. WELLS
Minister of Education



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANTORY NOTE

The Bill makes the provisions of *The School Boards and Teachers Collective Negotiations Act, 1975*, with appropriate changes, apply to teachers employed in schools operated by the Ministry of Education, the Ministry of Correctional Services and the Ministry of Health.

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BILL 132

1975

An Act respecting the Negotiation of Collective Agreements between the Provincial Schools Authority and Teachers

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Interpre-
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- (d) "employee organization" means the organization that is formed pursuant to this Act by teachers;
- (e) "principal" means a teacher who is appointed to be in charge of a school;
- (f) "school" means a school operated by,
 - (i) the Ministry of Correctional Services,
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but does not include the Ontario Teacher Education College, a summer course or a correspondence course;

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1974, c. 109

(ii) who holds a letter of standing granted by the Minister under *The Education Act, 1974*, or

(iii) whose appointment as a teacher has been authorized by the Minister of Education,

and who is employed in a school under a contract of employment as a teacher;

(h) “vice-principal” means a teacher who is appointed to be in charge of a school in the absence of the principal;

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Provincial
Schools
Authority

2.—(1) There shall be a Provincial Schools Authority that shall consist of five members appointed by the Lieutenant Governor in Council.

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council shall designate one of the members of the Authority as chairman and one as vice-chairman.

Secretary

(3) The Authority shall appoint a secretary.

Remunera-
tion

(4) The members and the secretary of the Authority shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Moneys

(5) The moneys required for the purposes of the Authority are payable, until the 31st day of March, 1976, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature.

Teachers
to be
employees of
Authority

3. When this Act comes into force,

(a) the teachers cease to be Crown employees and their contracts of employment are vested in the Authority;

(b) the sick leave credits and the termination of employment benefits standing to the credit of a teacher

whose contract of employment is vested in the Authority under clause *a* shall stand to the credit of the teacher in the system of sick leave credit gratuities of the Authority; and

- (c) *The Labour Relations Act* does not apply to the teachers or to the Authority. R.S.O. 1970, c. 232

4.—(1) Subject to subsection 2, the Authority is responsible for all matters relating to the employment of teachers, and for such purpose has all the powers and is subject to the duties and liabilities of a board under *The Education Act, 1974*. Employment of teachers 1974, c. 109

(2) All matters relating to administration in respect of teachers who teach in a school operated by a Ministry referred to in clause *f* of section 1 are the responsibility of the deputy minister of the Ministry, and each such Ministry that operates a school shall provide the salaries and benefits of the teachers of such school in accordance with the contracts of employment of such teachers. Administration

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Form of
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(2) For the purposes of subsection 2 of section 55 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the teachers who are employed in schools immediately before this Act comes into force shall be deemed to have contracts of employment in the form of contract prescribed by the regulations under *The Education Act, 1974*.

1974, c. 109

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Commence-
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Short title

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1st Reading

June 27th, 1975

2nd Reading

July 15th, 1975

3rd Reading

THE HON. T. L. WELLS
Minister of Education

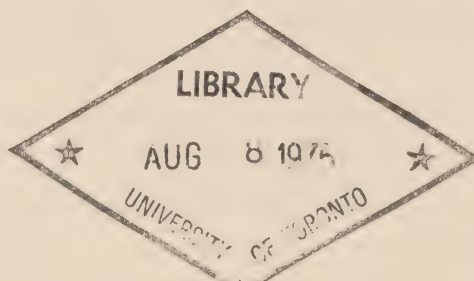
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5TH SESSION, 29TH LEGISLATURE, ONTARIO
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**An Act respecting the Negotiation of Collective
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(2) All matters relating to administration in respect of teachers who teach in a school operated by a Ministry referred to in clause *f* of section 1 are the responsibility of the deputy minister of the Ministry, and each such Ministry that operates a school shall provide the salaries and benefits of the teachers of such school in accordance with the contracts of employment of such teachers. Administration

(3) Every written collective understanding is binding on the Authority and the teachers covered by the written collective understanding. Interim provision

(4) For the purposes of *The Teachers' Superannuation Act*, a teacher employed by the Authority shall be deemed to be employed as a teacher by the minister of a ministry of the government of Ontario. Application of R.S.O. 1970, c. 455

(5) For the purposes of subsection 7 of section 155 of *The Education Act, 1974*, employment by the Authority shall be deemed to be employment with the Ministry of Education. Continuity of sick leave credits

(6) Part IX of *The Education Act, 1974* applies *mutatis mutandis* to the teachers and to the Authority. Application of Part IX, 1974, c. 109

5. Where the teachers propose to negotiate an agreement, they shall, for such purpose, form one employee organization, which shall represent them for the purposes of this Act. Employee organization

6.—(1) The provisions of *The School Boards and Teachers Collective Negotiations Act, 1975*, except clauses *a* to *g*, *i* to *k* and *m*, *n* and *p* of section 1, section 4, clauses *a* and *b* of section 8, sections 60 and 63, clause *d* of section 74, subsection 2 of section 78 and sections 83 and 84, apply *mutatis mutandis* as if such provisions were enacted in and formed part of this Act, and references therein to "board", "branch affiliate" and "parties" shall be deemed to be references Application of 1975, c. ...

respectively to the Authority, the employee organization, and the Authority and the employee organization.

Form of
contracts

(2) For the purposes of subsection 2 of section 55 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the teachers who are employed in schools immediately before this Act comes into force shall be deemed to have contracts of employment in the form of contract prescribed by the regulations under *The Education Act, 1974*.

1974, c. 109

Where
approval
required

(3) Where the Authority proposes to act in accordance with subsection 1 or 4 of section 69 of *The School Boards and Teachers Collective Negotiations Act, 1975*, it shall do so only with the approval of the Minister responsible for the Ministry that operates the school or schools that will be affected.

Contraven-
tion by
employee
organization
1975, c. ...

(4) For the purposes of subsection 1 of section 78 of *The School Boards and Teachers Collective Negotiations Act, 1975*, "person" includes the employee organization and the Authority.

Compell-
ability of
witnesses

(5) In addition to the persons referred to in section 82 of *The School Boards and Teachers Collective Negotiations Act, 1975*, a minister of the Crown and his deputy minister are not compellable witnesses in any proceedings under this Act.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Provincial Schools Negotiations Act, 1975*.

An Act respecting the
Negotiation of Collective Agreements
between the Provincial Schools
Authority and Teachers

1st Reading

June 27th, 1975

2nd Reading

July 15th, 1975

3rd Reading

July 15th, 1975

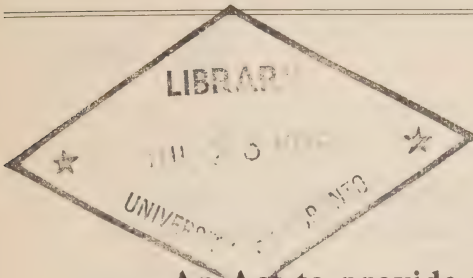
THE HON. T. L. WELLS
Minister of Education

CAZON
XB
-B56

BILL 133

Government
Publication
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975



Ontario. Legislative Assembly

**An Act to provide for an interim Freeze
in the Price of certain Petroleum Products**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

EXPLANATORY NOTE

The Bill imposes a temporary freeze on prices charged for petroleum products, used for heating or operating vehicles, sold in Ontario. The price fixed is that prevailing on the 23rd day of June, 1975, subject only to increase due to changes in the Federal excise tax. The freeze is for three months, subject to limited extension by the Lieutenant Governor in Council if the Assembly is recessed or not in session.

BILL 133

1975

An Act to provide for an interim Freeze in the Price of certain Petroleum Products

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "inspector" means a person designated by the Minister in writing as an inspector for the purposes of this Act;
- (b) "Minister" means the Minister of Consumer and Commercial Relations;
- (c) "petroleum product" means any liquid distilled or recovered from crude petroleum or any liquid containing a derivative from crude petroleum that is in a form appropriate as a fuel for heating or as a fuel for internal combustion engines and includes propane;
- (d) "price" means the total amount paid by the purchaser in the purchase of a petroleum product, except any component of such price that is referable to a duty or tax on the petroleum product imposed, levied and collected by or under any law of the Parliament of Canada;
- (e) "regulations" means the regulations made under this Act;
- (f) "seller" means a person who sells or offers for sale in Ontario a petroleum product for resale, exchange, consumption or other disposition in Ontario.

2.—(1) Subject to subsection 2 and the regulations, on and after the 4th day of July, 1975, no person shall sell or offer for sale in Ontario a petroleum product for resale,

Petroleum
products
price
freeze

exchange, consumption or other disposition in Ontario at a price greater than,

- (a) the price being charged by such person in Ontario for the same grade of petroleum product at the commencement of business on the 23rd day of June, 1975; or
- (b) where no price was charged by such person in Ontario for the petroleum product or any particular grade of the petroleum product, as referred to in clause *a*, at such price as is prescribed by the Lieutenant Governor in Council.

Extension
by order
in council

(2) Subsection 1 ceases to apply on the expiration of the 30th day of September, 1975 but the Lieutenant Governor in Council may, if the Assembly is recessed or not in session on that date, make an order extending such date to a time not later than the 30th day of November, 1975.

Information

3. The Minister may require any seller of a petroleum product to provide him with such information as the Minister requests concerning his sales of the petroleum product and the prices, taxes and duties being paid and charged therefor.

Inspection

4.—(1) An inspector may at any reasonable time enter upon the premises of a seller to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

Powers on
inspection

(2) Upon an inspection under this section, the inspector,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, and such copying shall be carried out with reasonable dispatch and the material in question shall be promptly thereafter returned to the person being inspected,

and no person shall obstruct the inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

(3) Any copy made as provided in subsection 2 and ^{Admissibility of copies} purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original.

5. The Lieutenant Governor in Council may make regu- ^{Regulations} lations,

- (a) requiring sellers of petroleum products to the public to post signs or notices in such places and containing such information as is prescribed;
- (b) prescribing the conditions under which a price greater than the price determined under section 2 may be charged by a seller for a petroleum product;
- (c) requiring a seller of a petroleum product for resale or exchange to give the purchaser thereof such information as is prescribed respecting the tax components of the total amount paid by the purchaser.

6.—(1) Every person who,

^{Offences}

- (a) knowingly furnishes false information in any statement or return required to be furnished under this Act;
- (b) contravenes any provision of this Act or the regulations; or
- (c) refuses to comply with a request of the Minister under section 3,

and every director or officer of a corporation who knowingly concurs in such furnishing, contravention or refusal is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. ^{Corporations}

7. This Act shall be deemed to have come into force on <sup>Commence-
ment</sup> the 4th day of July, 1975.

8. This Act may be cited as *The Petroleum Products Price Freeze Act, 1975*. ^{Short title}

An Act to provide for
an interim Freeze in the Price of
certain Petroleum Products

1st Reading

July 3rd, 1975

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(*Government Bill*)

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975



**An Act to provide for an interim Freeze
in the Price of certain Petroleum Products**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 133

1975

An Act to provide for an interim Freeze in the Price of certain Petroleum Products

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “inspector” means a person designated by the Minister in writing as an inspector for the purposes of this Act;
- (b) “Minister” means the Minister of Consumer and Commercial Relations;
- (c) “petroleum product” means any liquid distilled or recovered from crude petroleum or any liquid containing a derivative from crude petroleum that is in a form appropriate as a fuel for heating or as a fuel for internal combustion engines and includes propane;
- (d) “price” means the total amount paid by the purchaser in the purchase of a petroleum product, except any component of such price that is referable to a duty or tax on the petroleum product imposed, levied and collected by or under any law of the Parliament of Canada;
- (e) “regulations” means the regulations made under this Act;
- (f) “seller” means a person who sells or offers for sale in Ontario a petroleum product for resale, exchange, consumption or other disposition in Ontario.

2.—(1) Subject to subsection 2 and the regulations, on and after the 4th day of July, 1975, no person shall sell or offer for sale in Ontario a petroleum product for resale,

Petroleum
products
price
freeze

exchange, consumption or other disposition in Ontario at a price greater than,

- (a) the price being charged by such person in Ontario for the same grade of petroleum product at the commencement of business on the 23rd day of June, 1975; or
- (b) where no price was charged by such person in Ontario for the petroleum product or any particular grade of the petroleum product, as referred to in clause *a*, at such price as is prescribed by the Lieutenant Governor in Council.

Extension
by order
in council

(2) Subsection 1 ceases to apply on the expiration of the 30th day of September, 1975 but the Lieutenant Governor in Council may, if the Assembly is recessed or not in session on that date, make an order extending such date to a time not later than the 30th day of November, 1975.

Information

3. The Minister may require any seller of a petroleum product to provide him with such information as the Minister requests concerning his sales of the petroleum product and the prices, taxes and duties being paid and charged therefor.

Inspection

4.—(1) An inspector may at any reasonable time enter upon the premises of a seller to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

Powers on
inspection

(2) Upon an inspection under this section, the inspector,

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause *a* that relates to the purpose of the inspection for the purpose of making a copy thereof, and such copying shall be carried out with reasonable dispatch and the material in question shall be promptly thereafter returned to the person being inspected,

and no person shall obstruct the inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

(3) Any copy made as provided in subsection 2 and purporting to be certified by an inspector is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original. ^{Admissibility of copies}

5. The Lieutenant Governor in Council may make regu- ^{Regulations}lations,

- (a) requiring sellers of petroleum products to the public to post signs or notices in such places and containing such information as is prescribed;
- (b) prescribing the conditions under which a price greater than the price determined under section 2 may be charged by a seller for a petroleum product;
- (c) requiring a seller of a petroleum product for resale or exchange to give the purchaser thereof such information as is prescribed respecting the tax components of the total amount paid by the purchaser.

6.—(1) Every person who, ^{Offences}

- (a) knowingly furnishes false information in any statement or return required to be furnished under this Act;
- (b) contravenes any provision of this Act or the regulations; or
- (c) refuses to comply with a request of the Minister under section 3,

and every director or officer of a corporation who knowingly concurs in such furnishing, contravention or refusal is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. ^{Corporations}

7. This Act shall be deemed to have come into force on the 4th day of July, 1975. ^{Commence-ment}

8. This Act may be cited as *The Petroleum Products Price Freeze Act, 1975*. ^{Short title}

An Act to provide for
an interim Freeze in the Price of
certain Petroleum Products

1st Reading

July 3rd, 1975

2nd Reading

July 7th, 1975

3rd Reading

July 7th, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

CA20N

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-B56

BILL 134

Government

Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Pounds Act

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 134

1975

An Act to amend The Pounds Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Pounds Act*, being chapter 353 of the Revised Statutes of Ontario, 1970, is repealed. s. 3, repealed
2. Sections 4 and 5 of the said Act are repealed and the following substituted therefor: ss. 4, 5, re-enacted
 4. No cattle, goat, horse, sheep or swine shall be allowed to run at large in any part of a provisional judicial district not included in an organized municipality. Animals not to run at large
 5. The owner of any cattle, goat, horse, sheep or swine running at large contrary to section 4 is liable in damages for all injuries committed by such animal or animals, and also is guilty of an offence and on summary conviction is liable to a fine of not more than \$300. Owner of animal liable for damages and fine
3. This Act comes into force on the day it receives Royal Assent. Commencement
4. This Act may be cited as *The Pounds Amendment Act, 1975*. Short title

BILL 134

An Act to amend
The Pounds Act

1st Reading

July 3rd, 1975

2nd Reading

July 8th, 1975

3rd Reading

July 8th, 1975

THE HON. W. A. STEWART
Minister of Agriculture and Food

CA20N
XB
-B 56

Government
Publications

BILL 135

Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to amend The Niagara Escarpment Planning
and Development Act, 1973**

Ontario. Legislative Assembly

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill adds a definition of "development" to make it clear that a change in use of any land, building or structure situate in an area of development control, unless exempt under the regulations, requires a development permit.

BILL 135

1975

**An Act to amend
The Niagara Escarpment Planning
and Development Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Niagara Escarpment Planning and Development Act, 1973*, being chapter 52, is amended by adding thereto the following clause:

s. 1,
amended

(aa) “development” includes a change in the use of any land, building or structure.
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Niagara Escarpment Planning and Development Amendment Act, 1975*.

Short title

An Act to amend
The Niagara Escarpment Planning
and Development Act, 1973

1st Reading

July 4th, 1975

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

GAZON
XB

-B 56

BILL 135

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to amend The Niagara Escarpment Planning
and Development Act, 1973**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 135

1975

**An Act to amend
The Niagara Escarpment Planning
and Development Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Niagara Escarpment Planning and Development Act, 1973*, being chapter 52, is amended by adding thereto the following clause:

(aa) “development” includes a change in the use of any land, building or structure.
2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Niagara Escarpment Planning and Development Amendment Act, 1975*.

s. 1,
amendedCommence-
ment

Short title

An Act to amend
The Niagara Escarpment Planning
and Development Act, 1973

1st Reading

July 4th, 1975

2nd Reading

July 8th, 1975

3rd Reading

July 8th, 1975

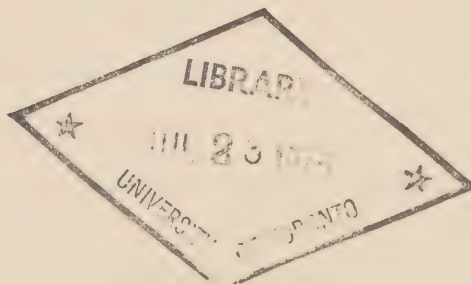
THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to provide Superannuation Adjustment Benefits to
persons in receipt of Pensions payable out of Pension Funds
to which Contributions are paid directly or indirectly out of
the Consolidated Revenue Fund**

THE HON. E. A. WINKLER
Chairman, Management Board of Cabinet



EXPLANATORY NOTES

SECTION 1. Self-explanatory.

BILL 136

1975

An Act to provide Superannuation Adjustment Benefits to persons in receipt of Pensions payable out of Pension Funds to which Contributions are paid directly or indirectly out of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “Adjustment Fund” means the Superannuation Adjustment Fund established under this Act;
- (b) “employer” in relation to a pension plan means the employer within the meaning of such pension plan;
- (c) “Minister” means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;
- (d) “pension” means a pension, superannuation allowance or annuity payable pursuant to a pension plan to which this Act applies;
- (e) “recipient” means a person who,
 - (i) is in receipt of a pension, or
 - (ii) in the case of a deferred annuity, is entitled to an annuity,
 under a pension plan to which this Act applies;
- (f) “regulations” means regulations made under this Act.

(2) For the purposes of this Act, the amount of pension payable to a recipient is the amount of pension payable to recipient

him or to which he is entitled pursuant to the pension plan in respect of which he is a recipient.

Application
of Act

2. This Act applies only to pension plans designated by the regulations.

Commence-
ment of
adjustment
benefit

3. Subject to the other provisions of this Act, a superannuation adjustment benefit is payable,

(a) to every recipient who became entitled to a pension under a pension plan before the 1st day of January of the year in which this Act is made applicable to the pension plan, commencing with the month next following the month in which this Act is made applicable to the pension plan; or

(b) to every recipient who became entitled to a pension under a pension plan on or after the 1st day of January of the year in which this Act is made applicable to the pension plan, commencing with the first month in the year next following the year in which the recipient became entitled to a pension under the pension plan.

Adjustment
ratio,
determina-
tion

R.S.C. 1970,
c. S-16

4.—(1) An adjustment ratio shall be determined in each year commencing with the year 1975 by calculating to 3 decimal points the ratio that the average of the Consumer Price Index for Canada as published by Statistics Canada under the authority of the *Statistics Act* (Canada) over a twelve month period ending with the 30th day of September bears to the corresponding average in relation to the immediately preceding twelve month period and by adjusting such ratio in accordance with the regulations as follows:

1. Where the ratio calculated for each year after the year in which a person becomes a recipient is in excess of 1.080, it shall first be reduced with respect to previous ratios calculated which were less than 1.000 and the remaining excess, if any, shall be applied to increase the ratio calculated in any subsequent year if the ratio calculated in the subsequent year is less than 1.080.
2. Where the ratio calculated for each year after the year in which a person becomes a recipient is less than 1.000, it shall first be increased with respect to previous ratios calculated which were greater than 1.080 and the remaining amount, if any, by which it is still less than 1.000 shall be

SECTION 2. Self-explanatory.

SECTION 3. Provides that the superannuation adjustment benefit is payable for a retired employee commencing with the month next following the month in which this Act is made applicable to the pension plan and for an active employee in the first month in the year next following the year in which a recipient becomes entitled to a pension.

SECTION 4. Specifies the manner in which an adjustment ratio shall be determined.

SECTION 5. Specifies the manner in which the superannuation adjustment benefit shall be calculated for each recipient.

applied to decrease the ratio in any subsequent year if the ratio calculated in the subsequent year is more than 1.000.

3. Where the ratio calculated is for the year in which a person becomes a recipient, the adjustment ratio for that year with respect to that recipient shall be obtained by first modifying the ratio calculated by decreasing it to a maximum of 1.080 or by increasing it to a minimum of 1.000, by deducting 1 from the modified ratio calculated and multiplying the result by the ratio that the number of full months during which he was entitled to a pension in the year in which he became a recipient bears to 12 months and by adding 1 to the result.

(2) Where the determination of an adjustment ratio Maximum and minimum under subsection 1 results,

- (a) in a ratio of more than 1.080, the adjustment ratio shall be 1.080; or
- (b) in a ratio of less than 1.000, the adjustment ratio shall be 1.000.

(3) The adjustment ratio determined in any year shall Application apply to the year immediately following the year in which the determination is made.

5.—(1) The superannuation adjustment benefit payable Calculation of adjustment benefit to a recipient for any month in any year is an amount equal to the amount obtained by multiplying,

- (a) the amount of the pension payable to the recipient for that month;

by

- (b) the accumulation (by multiplication) of the adjustment ratio applicable to the year in which that month occurs and the adjustment ratios applicable to the previous years in which superannuation adjustment benefits were payable to the recipient;

and subtracting therefrom

- (c) the amount of the pension payable to the recipient for that month.

(2) For the purpose of subsection 1, the amount of Amount of monthly pension pension payable to a recipient for a month shall be

SECTION 9. Provides for the return of contributions where a contributor ceases to be employed and no pension is or will become payable to him or where a recipient dies and no further pension benefits are payable to his beneficiary.

SECTION 10. Provides for the establishment of a Superannuation Adjustment Fund and a Superannuation Adjustment Account under which separate accounts shall be maintained in relation to each pension plan to which this Act applies.

SECTION 11. Provides that the payment of superannuation adjustment benefits to recipients who have contributed to the Adjustment Fund shall be paid out of the Fund and that for recipients who have not contributed the payments shall be paid by the employer and not out of the Adjustment Fund. The section also provides for interest to be credited to the Adjustment Fund at the end of each fiscal year.

the contributions required to be paid during that period under this Act by such contributor and his employer shall be paid by the employer or on his behalf.

(4) In this section, “elective service” means any service that a contributor under a pension plan may elect to count as pensionable service under such pension plan. Elective service

9. When a person who has contributed to the Adjustment Fund ceases to be employed and no pension is or will become payable to or in respect of him, or when a recipient dies and no further pension benefits are payable to his beneficiary, contributions under this Act shall be paid out of the Adjustment Fund on the same basis and under the same terms and conditions as contributions may be paid out under the pension plan to which he was a contributor. Return of contributions

10.—(1) A fund, to be known as the Superannuation Adjustment Fund, consisting of moneys contributed under section 8 and interest credited thereto less moneys paid out of such Fund under this Act, shall be established. Super-annuation Adjustment Fund

(2) The Treasurer of Ontario is the custodian of the Adjustment Fund. Custodian

(3) An account to be known as the Superannuation Adjustment Fund Account shall be established in the accounts of Ontario and under such account separate accounts shall be maintained in relation to each pension plan to which this Act applies. Account

(4) The fiscal year of the Adjustment Fund shall be the same as the fiscal year of the Consolidated Revenue Fund. Fiscal year

(5) The Adjustment Fund shall be audited by the Provincial Auditor who shall make an annual report to the Treasurer of Ontario, and the Treasurer shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Audit, report

11.—(1) All superannuation adjustment benefits and other moneys required to be paid under this Act to recipients who have contributed to the Adjustment Fund or to their dependants or to their estates or the estates of such dependants shall be paid out of the Adjustment Fund. Moneys to be paid out of Adjustment Fund

(2) All superannuation adjustment benefits and other moneys required to be paid under this Act to recipients Moneys to be paid by employer

who have not contributed to the Adjustment Fund or to their dependants or to their estates or the estates of such dependants shall be paid by the employer and not out of the Adjustment Fund.

Interest

(3) Interest shall be credited at the close of each fiscal year to the Adjustment Fund out of the Consolidated Revenue Fund at such rate and in such manner as the Lieutenant Governor in Council may from time to time determine.

No attachment, etc.

12. The interest of any person in the Adjustment Fund or in any adjustment benefit or other sum payable out of the Adjustment Fund or in any adjustment benefit or other sum payable under this Act by an employer is not subject to garnishment, attachment, seizure or other process of law and is not assignable.

Review of accounts and rate of contributions

13.—(1) A review committee shall be established in accordance with the regulations composed of representatives of the employer and of the contributors in relation to each pension plan to which this Act applies to review from time to time,

(a) the rate of contribution to the Adjustment Fund by the employer and contributors; and

(b) the account maintained under the Adjustment Fund Account in relation to such pension plan,

and any recommendation in relation thereto shall be made to the Minister.

No change in rate before 1981

(2) No change in the rate of contribution under subsection 1 of section 8 shall be made before the 1st day of January, 1981.

Regulations

14. The Lieutenant Governor in Council may make regulations,

(a) designating pension plans and groups of contributors and recipients thereunder to which this Act shall apply;

(b) prescribing the composition of review committees and their terms of reference;

(c) providing for the adjustment of ratios calculated under subsection 1 of section 4;

SECTION 12. Provides that the interest of any person in the Adjustment Fund or any adjustment benefit is not subject to garnishment, attachment, seizure or other process of law and is not assignable.

SECTION 13. Provides for the establishment of review committees composed of representatives of the employer and the contributors in relation to each pension plan to which this Act applies. The section also provides that no change in the rate of contribution shall be made before the 1st day of January, 1981.

SECTION 14. The Lieutenant Governor in Council is authorized to make regulations respecting the matters set out.

SECTION 15. Self-explanatory.

- (d) prescribing forms and procedures to be used under this Act.

15. The cost of administration of this Act is payable, ^{Administration costs} until the 31st day of March, 1976, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

16. This Act comes into force on the day it receives ^{Commence-} Royal Assent.
ment

17. This Act may be cited as *The Superannuation* ^{Short title}
Adjustment Benefits Act, 1975.

An Act to provide Superannuation Adjustment Benefits to persons in receipt of Pensions payable out of Pension Funds to which Contributions are paid directly or indirectly out of the Consolidated Revenue Fund

1st Reading

July 7th, 1975

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Chairman, Management Board of Cabinet

(Government Bill)

CA20N

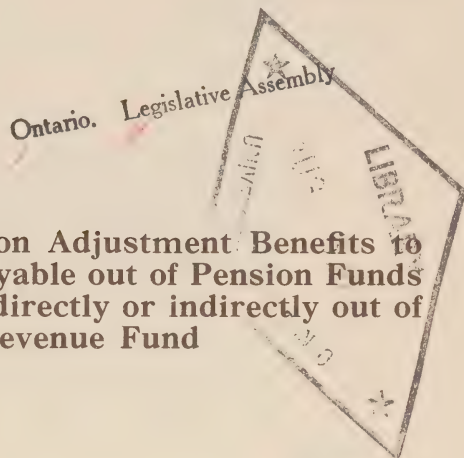
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BILL 136

*Government
Publications*

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975



**An Act to provide Superannuation Adjustment Benefits to
persons in receipt of Pensions payable out of Pension Funds
to which Contributions are paid directly or indirectly out of
the Consolidated Revenue Fund**

THE HON. E. A. WINKLER
Chairman, Management Board of Cabinet

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to provide Superannuation Adjustment Benefits to persons in receipt of Pensions payable out of Pension Funds to which Contributions are paid directly or indirectly out of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “Adjustment Fund” means the Superannuation Adjustment Fund established under this Act;
- (b) “employer” in relation to a pension plan means the employer within the meaning of such pension plan;
- (c) “Minister” means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act;
- (d) “pension” means a pension, superannuation allowance or annuity payable pursuant to a pension plan to which this Act applies;
- (e) “recipient” means a person who,
 - (i) is in receipt of a pension, or
 - (ii) in the case of a deferred annuity, is entitled to an annuity,
 under a pension plan to which this Act applies;
- (f) “regulations” means regulations made under this Act.

(2) For the purposes of this Act, the amount of pension payable to a recipient is the amount of pension payable to Amount of pension payable to recipient

him or to which he is entitled pursuant to the pension plan in respect of which he is a recipient.

Application
of Act

2. This Act applies only to pension plans designated by the regulations.

Commence-
ment of
adjustment
benefit

3. Subject to the other provisions of this Act, a super-annuation adjustment benefit is payable,

(a) to every recipient who became entitled to a pension under a pension plan before the 1st day of January of the year in which this Act is made applicable to the pension plan, commencing with the month next following the month in which this Act is made applicable to the pension plan; or

(b) to every recipient who became entitled to a pension under a pension plan on or after the 1st day of January of the year in which this Act is made applicable to the pension plan, commencing with the first month in the year next following the year in which the recipient became entitled to a pension under the pension plan.

Adjustment
ratio,
determina-
tion

R.S.C. 1970,
c. S-16

4.—(1) An adjustment ratio shall be determined in each year commencing with the year 1975 by calculating to 3 decimal points the ratio that the average of the Consumer Price Index for Canada as published by Statistics Canada under the authority of the *Statistics Act* (Canada) over a twelve month period ending with the 30th day of September bears to the corresponding average in relation to the immediately preceding twelve month period and by adjusting such ratio in accordance with the regulations as follows:

1. Where the ratio calculated for each year after the year in which a person becomes a recipient is in excess of 1.080, it shall first be reduced with respect to previous ratios calculated which were less than 1.000 and the remaining excess, if any, shall be applied to increase the ratio calculated in any subsequent year if the ratio calculated in the subsequent year is less than 1.080.
2. Where the ratio calculated for each year after the year in which a person becomes a recipient is less than 1.000, it shall first be increased with respect to previous ratios calculated which were greater than 1.080 and the remaining amount, if any, by which it is still less than 1.000 shall be

applied to decrease the ratio in any subsequent year if the ratio calculated in the subsequent year is more than 1.000.

3. Where the ratio calculated is for the year in which a person becomes a recipient, the adjustment ratio for that year with respect to that recipient shall be obtained by first modifying the ratio calculated by decreasing it to a maximum of 1.080 or by increasing it to a minimum of 1.000, by deducting 1 from the modified ratio calculated and multiplying the result by the ratio that the number of full months during which he was entitled to a pension in the year in which he became a recipient bears to 12 months and by adding 1 to the result.

(2) Where the determination of an adjustment ratio Maximum and minimum under subsection 1 results,

- (a) in a ratio of more than 1.080, the adjustment ratio shall be 1.080; or
- (b) in a ratio of less than 1.000, the adjustment ratio shall be 1.000.

(3) The adjustment ratio determined in any year shall Application apply to the year immediately following the year in which the determination is made.

5.—(1) The superannuation adjustment benefit payable Calculation of adjustment benefit to a recipient for any month in any year is an amount equal to the amount obtained by multiplying,

- (a) the amount of the pension payable to the recipient for that month;

by

- (b) the accumulation (by multiplication) of the adjustment ratio applicable to the year in which that month occurs and the adjustment ratios applicable to the previous years in which superannuation adjustment benefits were payable to the recipient;

and subtracting therefrom

- (c) the amount of the pension payable to the recipient for that month.

(2) For the purpose of subsection 1, the amount of Amount of monthly pension pension payable to a recipient for a month shall be

equal to one-twelfth of the amount of pension payable to the recipient for a year.

Deferred
annuities

6. Where payments under a deferred annuity will commence on some date after the date this Act is made applicable to the pension plan under which such annuity is payable, the annuitant is entitled to an accumulation of adjustment ratios under this Act commencing with the month following the month in which this Act is made applicable to such pension plan or the first month of the year next following the year in which he ceases to be employed, whichever is the later, and such accumulation of adjustment ratios shall be applied to the amount of the annuity commencing with the first payment of the annuity in accordance with the pension plan under which the annuity is payable.

Payment
of
adjustment
benefits

7. Superannuation adjustment benefits payable to a recipient shall be paid at the same times, in the same manner and subject to the same terms and conditions as his pension is payable.

Contri-
butions

8.—(1) Commencing with the month next following the month in which this Act is made applicable to a pension plan,

- (a) every employee contributing under such plan shall contribute monthly to the Adjustment Fund, by reservation from salary or otherwise, an amount equal to 1 per cent of his salary and the amount so contributed shall be placed to his credit in the Adjustment Fund; and
- (b) the employer shall contribute to the Adjustment Fund an amount equal to the amount contributed under clause *a*.

Contri-
butions
re elective
service

(2) An employee contributing under a pension plan who, after the date this Act is made applicable to the pension plan, elects to count as pensionable service any period of elective service to which he is entitled under such pension plan shall contribute to the Adjustment Fund an amount calculated on the same basis as the amounts he is required to pay to establish such elective service as pensionable service under such pension plan.

Where
contributor
qualified
for long
term income
protection
benefit

(3) Where the contributions of a contributor to a pension plan to which this Act applies are paid during any period by the employer by reason of the contributor being qualified for a benefit under a long term income protection plan,

the contributions required to be paid during that period under this Act by such contributor and his employer shall be paid by the employer or on his behalf.

(4) In this section, "elective service" means any service that a contributor under a pension plan may elect to count as pensionable service under such pension plan. Elective service

9. When a person who has contributed to the Adjustment Fund ceases to be employed and no pension is or will become payable to or in respect of him, or when a recipient dies and no further pension benefits are payable to his beneficiary, contributions under this Act shall be paid out of the Adjustment Fund on the same basis and under the same terms and conditions as contributions may be paid out under the pension plan to which he was a contributor. Return of contributions

10.—(1) A fund, to be known as the Superannuation Adjustment Fund, consisting of moneys contributed under section 8 and interest credited thereto less moneys paid out of such Fund under this Act, shall be established. Super-annuation Adjustment Fund

(2) The Treasurer of Ontario is the custodian of the Adjustment Fund. Custodian

(3) An account to be known as the Superannuation Adjustment Fund Account shall be established in the accounts of Ontario and under such account separate accounts shall be maintained in relation to each pension plan to which this Act applies. Account

(4) The fiscal year of the Adjustment Fund shall be the same as the fiscal year of the Consolidated Revenue Fund. Fiscal year

(5) The Adjustment Fund shall be audited by the Provincial Auditor who shall make an annual report to the Treasurer of Ontario, and the Treasurer shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Audit, report

11.—(1) All superannuation adjustment benefits and other moneys required to be paid under this Act to recipients who have contributed to the Adjustment Fund or to their dependants or to their estates or the estates of such dependants shall be paid out of the Adjustment Fund. Moneys to be paid out of Adjustment Fund

(2) All superannuation adjustment benefits and other moneys required to be paid under this Act to recipients Moneys to be paid by employer

who have not contributed to the Adjustment Fund or to their dependants or to their estates or the estates of such dependants shall be paid by the employer and not out of the Adjustment Fund.

Interest

(3) Interest shall be credited at the close of each fiscal year to the Adjustment Fund out of the Consolidated Revenue Fund at such rate and in such manner as the Lieutenant Governor in Council may from time to time determine.

No attachment, etc.

12. The interest of any person in the Adjustment Fund or in any adjustment benefit or other sum payable out of the Adjustment Fund or in any adjustment benefit or other sum payable under this Act by an employer is not subject to garnishment, attachment, seizure or other process of law and is not assignable.

Review of accounts and rate of contributions

13.—(1) A review committee shall be established in accordance with the regulations composed of representatives of the employer and of the contributors in relation to each pension plan to which this Act applies to review from time to time,

- (a) the rate of contribution to the Adjustment Fund by the employer and contributors; and
- (b) the account maintained under the Adjustment Fund Account in relation to such pension plan,

and any recommendation in relation thereto shall be made to the Minister.

No change in rate before 1981

(2) No change in the rate of contribution under subsection 1 of section 8 shall be made before the 1st day of January, 1981.

Regulations

14. The Lieutenant Governor in Council may make regulations,

- (a) designating pension plans and groups of contributors and recipients thereunder to which this Act shall apply;
- (b) prescribing the composition of review committees and their terms of reference;
- (c) providing for the adjustment of ratios calculated under subsection 1 of section 4;

(d) prescribing forms and procedures to be used under this Act.

15. The cost of administration of this Act is payable, ^{Administration costs} until the 31st day of March, 1976, out of the Consolidated Revenue Fund and thereafter out of moneys appropriated therefor by the Legislature.

16. This Act comes into force on the day it receives ^{Commence-} Royal Assent. _{ment}

17. This Act may be cited as *The Superannuation* ^{Short title} *Adjustment Benefits Act, 1975.*

An Act to provide Superannuation Adjustment Benefits to persons in receipt of Pensions payable out of Pension Funds to which Contributions are paid directly or indirectly out of the Consolidated Revenue Fund

1st Reading

July 7th, 1975

2nd Reading

July 10th, 1975

3rd Reading

July 10th, 1975

THE HON. E. A. WINKLER
Chairman, Management Board of Cabinet

CA20N
XB
-B 56

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to amend
The Election Finances Reform Act, 1975**

THE HON. J. WHITE
Minister without Portfolio



EXPLANATORY NOTE

The amendments will prohibit the acceptance of contributions at any time,

- (a) by a political party or on its behalf for the candidacy of any person at an election or for an election campaign unless the party is registered;
- (b) by a constituency association or on its behalf for the candidacy of any person at an election or for an election campaign unless the association is registered;
- (c) by any person or on his behalf for the candidacy of such person at an election or for an election campaign of such person unless such person is a registered candidate.

The effect of the above is that no contributions can be accepted by a candidate or on his behalf prior to his becoming registered as a candidate which cannot occur until the issue of the writ.

**An Act to amend
The Election Finances Reform Act, 1975**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Subsection 1 of section 10 of *The Election Finances Reform Act, 1975*, being chapter 12, is repealed and the following substituted therefor: s. 10 (1),
re-enacted

(1) No political party and no person, corporation or trade union acting on behalf of the political party shall accept contributions for the purposes of the political party or for the purposes of any constituency association or for the candidacy of any person at an election or for an election campaign of any person unless the political party is registered under this Act. Registration
of parties

- 2.** Subsection 1 of section 11 of the said Act, is repealed and the following substituted therefor: s. 11 (1),
re-enacted

(1) No constituency association of a registered party and no person, corporation or trade union acting on behalf of the constituency association shall accept contributions for the purposes of the constituency association or for the purposes of the registered party or for the candidacy of any person at an election or for an election campaign of any person unless the constituency association is registered under this Act. Registration
of
constituency
associations

- 3.** Subsection 1 of section 15 of the said Act is repealed and the following substituted therefor: s. 15 (1),
re-enacted

(1) No person and no person, corporation or trade union acting on behalf of such person and, except as provided under subsection 1 of section 10 and subsection 1 of section 11, no political party or association or organization thereof acting on behalf of such person, shall accept contributions for the candidacy of such person at an election Registration
of
candidate

or for an election campaign of such person unless such person is a candidate registered under this Act.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Election Finances Reform Amendment Act, 1975*.

An Act to amend
The Election Finances Reform
Act, 1975

1st Reading

July 8th, 1975

2nd Reading

3rd Reading

The HON. J. WHITE
Minister without Portfolio

(Government Bill)

CA20N

XB

-B 56

BILL 137

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly.

**An Act to amend
The Election Finances Reform Act, 1975**

THE HON. J. WHITE
Minister without Portfolio



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

**An Act to amend
The Election Finances Reform Act, 1975**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 10 of *The Election Finances Reform Act, 1975*, being chapter 12, is repealed and the following substituted therefor: s. 10 (1),
re-enacted

(1) No political party and no person, corporation or trade union acting on behalf of the political party shall accept contributions for the purposes of the political party or for the purposes of any constituency association or for the candidacy of any person at an election or for an election campaign of any person unless the political party is registered under this Act. Registration
of parties

2. Subsection 1 of section 11 of the said Act, is repealed and the following substituted therefor: s. 11 (1),
re-enacted

(1) No constituency association of a registered party and no person, corporation or trade union acting on behalf of the constituency association shall accept contributions for the purposes of the constituency association or for the purposes of the registered party or for the candidacy of any person at an election or for an election campaign of any person unless the constituency association is registered under this Act. Registration
of
constituency
associations

3. Subsection 1 of section 15 of the said Act is repealed and the following substituted therefor: s. 15 (1),
re-enacted

(1) No person and no person, corporation or trade union acting on behalf of such person and, except as provided under subsection 1 of section 10 and subsection 1 of section 11, no political party or association or organization thereof acting on behalf of such person, shall accept contributions for the candidacy of such person at an election Registration
of
candidate

or for an election campaign of such person unless such person is a candidate registered under this Act.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Election Finances Reform Amendment Act, 1975*.



An Act to amend
The Election Finances Reform
Act, 1975

1st Reading

July 8th, 1975

2nd Reading

July 10th, 1975

3rd Reading

July 10th, 1975

The Hon. J. WHITE
Minister without Portfolio

CA20N

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BILL 138

Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Government
Publications

Ontario. Legislative Assembly

An Act to amend The Ambulance Act

THE HON. F. S. MILLER
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The definition of "Director" is changed to conform to the existing administrative structure.

SECTION 2. Provision is made empowering the Minister to designate the council of a municipality, upon its request, as the exclusive authority to operate an ambulance service in that municipality; matters consequent on the Minister so acting are also dealt with.

An Act to amend The Ambulance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Ambulance Act*, being chapter 20 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (d),
re-enacted

(d) "Director" means the Director of the Ambulance Services Branch.

2. The said Act is amended by adding thereto the following sections: ss. 4a, 4b,
enacted

4a.—(1) Upon the request of the council of a municipality, the Minister may, where he considers to do so would provide an improved ambulance service to the public, by order designate the council of the municipality as the sole authority to operate an ambulance service in that municipality. Order
of
Minister

- (2) Where the Minister makes an order under subsection 1, Effect
of
order

(a) any person operating an ambulance service in the municipality named in the order, other than the council of the municipality, shall cease operation on or before the day set out in the order; and

(b) the municipality shall pay to any person required to cease operating an ambulance service as a result of the order such sum of money by way of compensation for the value of the ambulance service to the operator as is consistent with the principles of law and equity.

- (3) The licence of a person who is required to cease operating an ambulance service as a result of an order of Licence
deemed
cancelled

the Minister made under subsection 1 shall be deemed to have been cancelled on the day set out in the order and the provisions of sections 10, 11 and 16 do not apply to such cancellation.

When
Director
not to
issue
licence

(4) The Director shall not issue a licence to operate an ambulance service in a municipality named in an order made under subsection 1 to any applicant other than the council of the municipality, and the provisions of sections 10, 11 and 16 do not apply to any such refusal to issue a licence.

Minister
may
rescind
order

(5) The Minister may rescind any order made under subsection 1 and where the Minister does so subsection 4 ceases to have effect in respect of the municipality.

Application of
R.S.O. 1970,
c. 410

(6) *The Regulations Act* does not apply to an order of the Minister made under subsection 1.

Notice
requiring
arbitration

4b.—(1) Where agreement cannot be reached as to the sum of money to be paid by the municipality under clause *b* of subsection 2 of section 4a, either the municipality or the operator of the ambulance service may serve upon the other notice that the municipality or the operator, as the case may be, desires that the amount of compensation be determined by arbitration under *The Arbitrations Act* and each party shall, within seven days of the service of the notice appoint a member of a board of arbitration, and a third member who shall be chairman shall be appointed within a further seven days by the two members so appointed.

Application of
R.S.O. 1970,
c. 25

(2) Where a board of arbitration is appointed under subsection 1, the provisions of *The Arbitrations Act* apply as though a submission had been made under that Act.

s. 18 (2),
amended

3. Subsection 2 of section 18 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 5, is further amended by striking out "during daylight hours" in the second line.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ambulance Amendment Act, 1975*.

SECTION 3. An inspector, on production of his authority, is presently empowered to enter the business premises of an operator during daylight hours to examine the books, records and equipment of the operator; the amendment will permit such entry and inspection at any time.

An Act to amend
The Ambulance Act

1st Reading

July 8th, 1975

2nd Reading

3rd Reading

THE HON. F. S. MILLER
Minister of Health

(Government Bill)

CA20N
XB
-B 56

BILL 138

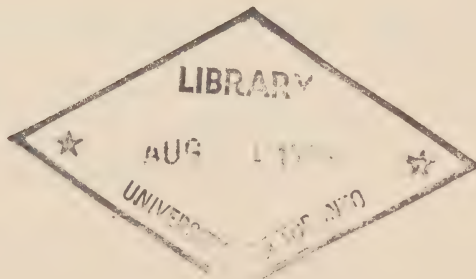
Commenced
Public Session

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Ambulance Act

THE HON. F. S. MILLER
Minister of Health



An Act to amend The Ambulance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Ambulance Act*, being chapter 20 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (d),
re-enacted

(d) "Director" means the Director of the Ambulance Services Branch.

2. The said Act is amended by adding thereto the following sections: ss. 4a, 4b,
enacted

4a.—(1) Upon the request of the council of a municipality, the Minister may, where he considers to do so would provide an improved ambulance service to the public, by order designate the council of the municipality as the sole authority to operate an ambulance service in that municipality. Order
of
Minister

- (2) Where the Minister makes an order under subsection 1, Effect
of
order

(a) any person operating an ambulance service in the municipality named in the order, other than the council of the municipality, shall cease operation on or before the day set out in the order; and

(b) the municipality shall pay to any person required to cease operating an ambulance service as a result of the order such sum of money by way of compensation for the value of the ambulance service to the operator as is consistent with the principles of law and equity.

- (3) The licence of a person who is required to cease operating an ambulance service as a result of an order of Licence
deemed
cancelled

the Minister made under subsection 1 shall be deemed to have been cancelled on the day set out in the order and the provisions of sections 10, 11 and 16 do not apply to such cancellation.

When
Director
not to
issue
licence

(4) The Director shall not issue a licence to operate an ambulance service in a municipality named in an order made under subsection 1 to any applicant other than the council of the municipality, and the provisions of sections 10, 11 and 16 do not apply to any such refusal to issue a licence.

Minister
may
rescind
order

(5) The Minister may rescind any order made under subsection 1 and where the Minister does so subsection 4 ceases to have effect in respect of the municipality.

Application of
R.S.O. 1970,
c. 410

(6) *The Regulations Act* does not apply to an order of the Minister made under subsection 1.

Notice
requiring
arbitration

4b.—(1) Where agreement cannot be reached as to the sum of money to be paid by the municipality under clause *b* of subsection 2 of section 4a, either the municipality or the operator of the ambulance service may serve upon the other notice that the municipality or the operator, as the case may be, desires that the amount of compensation be determined by arbitration under *The Arbitrations Act* and each party shall, within seven days of the service of the notice appoint a member of a board of arbitration, and a third member who shall be chairman shall be appointed within a further seven days by the two members so appointed.

Application of
R.S.O. 1970,
c. 25

(2) Where a board of arbitration is appointed under subsection 1, the provisions of *The Arbitrations Act* apply as though a submission had been made under that Act.

s. 18 (2),
amended

3. Subsection 2 of section 18 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 5, is further amended by striking out "during daylight hours" in the second line.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Ambulance Amendment Act, 1975*.

An Act to amend
The Ambulance Act

1st Reading

July 8th, 1975

2nd Reading

July 10th, 1975

3rd Reading

July 10th, 1975

THE HON. F. S. MILLER
Minister of Health

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Publications

BILL 139

Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. **Legislative Assembly**

An Act to amend The Teachers' Superannuation Act

THE HON. T. L. WELLS
Minister of Education



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsection 1. This amendment makes it clear that a person may be employed under the Act without the necessity of a written contract.

Subsection 2. This amendment makes the Act apply to a person who qualifies as a teacher and is not engaged as a supervisory officer but is employed full time by a board or in the Ministry.

SECTION 2. This amendment changes the Commission's fiscal year from November 1st to October 31st to a calendar year basis.

SECTION 3. The amendment makes it clear that "salary" as used in section 20 includes salary paid on other than a yearly basis.

An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *e* of subsection 1 of section 1 of *The Teachers' Superannuation Act*, being chapter 455 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 1, is further amended by striking out "under contract" in the first line. s. 1 (1) (e),
amended
- (2) Subclause viii of clause *e* of subsection 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1) (e) (viii)
re-enacted

(viii) as a full time employee by a board or in the Ministry.

2. Section 10 of the said Act is repealed and the following substituted therefor: s. 10,
re-enacted

10. The period from the 1st day of November, 1974 to the 31st day of December, 1975 shall be deemed to be a fiscal year of the Commission and thereafter the period from the 1st day of January to the 31st day of December constitutes the fiscal year of the Commission. Fiscal
year

3. Subsection 3 of section 20 of the said Act is repealed and the following substituted therefor: s. 20 (3),
re-enacted

(3) In this section, "salary" means salary in accordance with the terms and conditions under which the person is employed, and includes a cost of living or other similar bonus but does not include any additional remuneration for extra services. Interpre-
tation

s. 21,
amended

4. Section 21 of the said Act is amended by adding thereto the following subsection:

Contribu-
tions to
Super-
annuation
Adjustment
Fund
1975, c. ...

(7) Where a person is employed and contributes to the Superannuation Adjustment Fund under *The Superannuation Adjustment Benefits Act, 1975*, the contribution shall be deducted by the board or other authority employing the person from each payment of his salary.

s. 22,
amended

5. Section 22 of the said Act, as amended by the Statutes of Ontario, 1971, (2nd Session), chapter 9, section 10, is further amended by adding thereto the following subsection:

Employer
for
purposes of
1975, c. ...

(3) The person required to make payment to the Fund under subsection 1 or 2 shall be deemed to be the employer of the contributor to the Fund for the purpose of the contributions to be made by the employer under *The Superannuation Adjustment Benefits Act, 1975*.

s. 28 (1),
amended

- 6.—(1) Subsection 1 of section 28 of the said Act is amended by adding “and” at the end of clause *a*, by striking out “and” at the end of clause *b* and by striking out clause *c*.

s. 28 (3),
amended

- (2) Subsection 3 of the said section 28 is amended by inserting after “month” in the second line “following the month”.

s. 28 (6),
amended

- (3) Subsection 6 of the said section 28 is amended by adding “and” at the end of clause *a*, by striking out “and” at the end of clause *b* and by striking out clause *c*.

s. 32 (1),
re-enacted

- 7.—(1) Subsection 1 of section 32 of the said Act, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 18, is repealed and the following substituted therefor:

Dependant's
allowance
“D” pension

(1) Where a person who has credit in the Fund for ten or more years dies or where a person who is in receipt of an allowance dies,

(a) leaving a widow or widower, as the case may be, surviving, a dependant's allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in section 25, but based on the deceased person's credit in the Fund at the date of death, or

SECTION 4. The new subsection is complementary to section 8 of *The Superannuation Adjustment Benefits Act, 1975* and requires school boards to deduct the contributions of employees for the purposes of that Act.

SECTION 5. The new subsection is required in respect of the contributions to be made by the employer under *The Superannuation Adjustment Benefits Act, 1975* since employer is not defined in this Act.

SECTION 6.—Subsections 1 and 3. This amendment permits a person entitled to a dependant's allowance under the Act to be also entitled to a deferred pension.

Subsection 2. This amendment provides that the deferred pension is to commence as of the 1st day of the month following a person's sixty-fifth birthday rather than as of the 1st day of the month in which such sixty-fifth birthday occurs.

SECTION 7.—Subsection 1. This amendment makes a dependant's allowance payable upon the death of any person who has credit in the Fund for ten or more years or who is in receipt of an allowance. The restriction of the allowance to the dependant of a person who dies within two years of ceasing to be employed on account of ill-health or who dies within one year of ceasing to be employed for any other reason is removed.

Subsection 2. This amendment refers to "last day of employment" rather than "retirement" so that a dependant's allowance will not be payable where a marriage takes place after the last day of employment of the contributor.

Subsection 3. This amendment eliminates the reduction in the dependant's allowance where the surviving spouse is ten years or more younger than the contributor or former contributor and permits the Commission to reinstate a dependant's allowance which has been cancelled because of remarriage of the dependant in the case of divorce or death of the new spouse.

- (ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to the widow or widower during her or his lifetime or until she or he remarries, and where the widow or widower dies or remarries leaving a child or children who at the date of death or remarriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow or widower shall be paid to the child or children until such age is attained; or

- (b) leaving no widow or widower but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in section 25, but based on the deceased person's credit in the Fund at the date of death, or

- (ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to such child or children until such age is attained.

- (2) Subsection 2 of the said section 32 is amended by <sup>s. 32 (2),
amended</sup> striking out "retirement" in the third line and inserting in lieu thereof "last day of employment".

- (3) Subsection 3 of the said section 32 is repealed and the <sup>s. 32 (3),
re-enacted</sup> following substituted therefor:

On death or
divorce of
spouse of
dependant,
dependant
entitled to
dependant's
allowance

(3) Where a dependant's allowance is discontinued under this section by reason of remarriage and the spouse of such dependant dies or the marriage is dissolved, such dependant is entitled to the dependant's allowance under this section from the first day of the month following the month in which such spouse dies or the dissolution becomes final.

s. 34a (1, 2),
re-enacted

8.—(1) Subsections 1 and 2 of section 34a of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 19, are repealed and the following substituted therefor:

Long term
disability
income
plans
1975, c. ...
R.S.O. 1970,
c. 224

(1) Where the Minister, a board, the Ontario Teachers' Federation, an affiliate as defined in *The School Boards and Teachers Collective Negotiations Act, 1975* or any other authority approved by the Commission enters into an agreement with an insurer within the meaning of *The Insurance Act* to provide an income to any person who contributes to the Fund in the event of a long term disability, the agreement shall be submitted to the Commission for approval.

Recipient's
contributions

(2) Where an agreement submitted under subsection 1 is approved by the Commission, the Commission shall accept a contribution made by the insurer on behalf of a person who contributes to the Fund for each month in respect of which the person receives a payment under the agreement where the contribution by the insurer is made on or before the 15th day of the month next following such payment, except where such person has attained the age of sixty-five years or is in receipt of an allowance from the Fund and the contribution shall, subject to subsection 3, be 6 per cent of the annual rate of salary paid to the contributor immediately before the cessation of his employment.

s. 45 (1),
re-enacted

9. Subsection 1 of section 45 of the said Act is repealed and the following substituted therefor:

Evidence
of mental
or physical
condition

(1) The Commission may at any time require a person who is receiving a disability allowance under section 29 or 30 to furnish evidence, in such form as it directs, of his mental or physical condition.

s. 50 (2, 3),
re-enacted

10. Subsections 2 and 3 of section 50 of the said Act are repealed and the following substituted therefor:

Idem

(2) Notwithstanding subsection 1, a person who has taken a refund of his contributions to the Fund under section 49 in lieu of an annual superannuation allowance under section 28 and subsequently is employed for twenty or more days in a school year and desires to be reinstated in the Fund in

SECTION 8. This amendment makes it clear that the Ontario Teachers' Federation or one of its affiliates may set up a long term disability income plan for its members and have the plan approved by the Commission. Approval will permit the beneficiaries of the plan to contribute to the Fund.

The amendment also makes it clear that the recipient's contribution to the Fund is 6 per cent of the annual rate of salary before the cessation of employment.

SECTION 9. This amendment places a widower on the same basis as a widow due to a widower's pension no longer being provided on the basis of the mental or physical incapacity of the dependant.

SECTION 10. Subsection 2 is re-enacted to permit a person who elected to take a refund of his contributions in lieu of an allowance to be reinstated in the Fund where he is subsequently employed for twenty or more days in a school year if he repays to the Fund the amount of the refund plus interest. The subsection repealed prohibited such a person from being reinstated in the Fund.

Subsection 3 is re-enacted to permit a dependant of a contributor who elects to be reinstated in the Fund under subsection 1 or 2 to apply for a dependant's allowance where the contributor has not completed two years of teaching following his return to employment. The amendment removes words making such a person ineligible.

SECTION 11. This amendment is complementary to the amendment to section 45, placing a widower on the same basis as a widow in relation to his entitlement to a refund where a disability allowance ceases to be paid.

SECTION 12. This amendment re-enacts section 55 to add clause c to extend its refund application to a person in receipt of an annuity under section 34.

SECTION 13.—Subsection 1. This amendment authorizes the making of a regulation to permit a person who is absent due to the adoption of a child or duties as a member of a council or local board to contribute to the Fund for such period of absence.

respect of his former period of employment may be so reinstated by paying into the Fund an amount equal to the total of the refund, including the interest, if any, paid to him at the time of the refund, together with interest on such amount from the date of the refund until the completion of the repayment at the rate paid on Ontario Government stock or Province of Ontario debentures that are received by the Fund in the fiscal year of the Province of Ontario in which the refund was made except that, where such rate is less than that specified in section 11, the rate shall be that specified in section 11, and any disability or superannuation allowance or other payment out of the Fund to which he may become entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount of the refund that is not repaid.

(3) No person who has withdrawn his contributions from the Fund and is subsequently employed and elects to be reinstated in the Fund under subsection 1 or 2 is eligible for a disability allowance under section 29 or 30 until he has been employed for two school years after his return to employment.

Eligibility
for "C"
or "CB"
pension

11. Section 54 of the said Act is amended by striking out "other than a widower under section 32" in the second line.

s. 54,
amended

12. Section 55 of the said Act is repealed and the following substituted therefor:

s. 55,
re-enacted

55. Where,

(a) the payments made under section 32;

(b) the amount of the allowance and any payments made under section 32; or

(c) the payments made under section 34,

Refund
where
dependant's
allowance
or annuity
less than
contributions

with interest at 3 per cent per year compounded half-yearly to the date of cessation of the payments, are less than the amount of the contributions of the person, with interest on each amount for the period of time it was in the Fund at 3 per cent per year compounded half-yearly to the same date, the amount of the difference shall be paid to his personal representative.

13.—(1) Clauses *b* and *d* of paragraph 15 of section 59 of the said Act are repealed and the following substituted therefor:

s. 59,
par. 15 (*b, d*),
re-enacted

(b) because of pregnancy or the adoption of a child;

.

R.S.O. 1970,
c. 118

s. 59,
par. 16 (b, c),
re-enacted

(d) because of duties as members of the Legislative Assembly of Ontario, of the House of Commons of Canada, of the council of a municipality or of a local board as defined in *The Municipal Affairs Act*.

(2) Clauses *b* and *c* of paragraph 16 of the said section 59 are repealed and the following substituted therefor:

(b) because of pregnancy or the adoption of a child;

(c) because of duties as members of the Legislative Assembly of Ontario, of the House of Commons of Canada, of the council of a municipality or of a local board as defined in *The Municipal Affairs Act*.

s. 59, par. 23,
amended

(3) Paragraph 23 of the said section 59 is amended by striking out "during a period that is declared by the regulations to be a period during which there is urgent need for their services" in the third, fourth and fifth lines.

Commence-
ment

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1975*.

Subsection 2. This amendment authorizes the making of a regulation to permit a person who ceases to be employed due to the adoption of a child or duties as a member of a municipal council or local board to contribute to the Fund for such period of unemployment.

Subsection 3. This amendment revises the provisions authorizing the making of regulations governing the re-employment of pensioners and deletes the references governing periods of urgency.

An Act to amend
The Teachers' Superannuation Act

1st Reading

July 10th, 1975

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Education

(Government Bill)

CA20N

XB

-B56

BILL 139

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Teachers' Superannuation Act

THE HON. T. L. WELLS
Minister of Education



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 139

1975

An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *e* of subsection 1 of section 1 of *The Teachers' Superannuation Act*, being chapter 455 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 1, is further amended by striking out "under contract" in the first line. s. 1 (1) (e),
amended
- (2) Subclause viii of clause *e* of subsection 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1) (e), (viii)
re-enacted

(viii) as a full time employee by a board or in the Ministry.

2. Section 10 of the said Act is repealed and the following substituted therefor: s. 10,
re-enacted

10. The period from the 1st day of November, 1974 to the 31st day of December, 1975 shall be deemed to be a fiscal year of the Commission and thereafter the period from the 1st day of January to the 31st day of December constitutes the fiscal year of the Commission. Fiscal
year

3. Subsection 3 of section 20 of the said Act is repealed and the following substituted therefor: s. 20 (3),
re-enacted

(3) In this section, "salary" means salary in accordance with the terms and conditions under which the person is employed, and includes a cost of living or other similar bonus but does not include any additional remuneration for extra services. Interpre-
tation

s. 21,
amended

4. Section 21 of the said Act is amended by adding thereto the following subsection:

Contribu-
tions to
Super-
annuation
Adjustment
Fund
1975, c. ...

(7) Where a person is employed and contributes to the Superannuation Adjustment Fund under *The Superannuation Adjustment Benefits Act, 1975*, the contribution shall be deducted by the board or other authority employing the person from each payment of his salary.

s. 22,
amended

5. Section 22 of the said Act, as amended by the Statutes of Ontario, 1971, (2nd Session), chapter 9, section 10, is further amended by adding thereto the following subsection:

Employer
for
purposes of
1975, c. ...

(3) The person required to make payment to the Fund under subsection 1 or 2 shall be deemed to be the employer of the contributor to the Fund for the purpose of the contributions to be made by the employer under *The Superannuation Adjustment Benefits Act, 1975*.

s. 28 (1),
amended

- 6.—(1) Subsection 1 of section 28 of the said Act is amended by adding “and” at the end of clause *a*, by striking out “and” at the end of clause *b* and by striking out clause *c*.

s. 28 (3),
amended

- (2) Subsection 3 of the said section 28 is amended by inserting after “month” in the second line “following the month”.

s. 28 (6),
amended

- (3) Subsection 6 of the said section 28 is amended by adding “and” at the end of clause *a*, by striking out “and” at the end of clause *b* and by striking out clause *c*.

s. 32 (1),
re-enacted

- 7.—(1) Subsection 1 of section 32 of the said Act, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 18, is repealed and the following substituted therefor:

Dependant's
allowance
“D” pension

(1) Where a person who has credit in the Fund for ten or more years dies or where a person who is in receipt of an allowance dies,

(a) leaving a widow or widower, as the case may be, surviving, a dependant's allowance of an amount equal to,

(i) one-half of the allowance computed in the manner prescribed in section 25, but based on the deceased person's credit in the Fund at the date of death, or

- (ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to the widow or widower during her or his lifetime or until she or he remarries, and where the widow or widower dies or remarries leaving a child or children who at the date of death or remarriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow or widower shall be paid to the child or children until such age is attained; or

- (b) leaving no widow or widower but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in section 25, but based on the deceased person's credit in the Fund at the date of death, or

- (ii) one-half of the allowance that the deceased person was receiving at the date of death, with the exception that, in the case of a person who had not attained the age of sixty-five years at the date of death, the allowance shall be one-half of the allowance that the person would have received at the beginning of the month following the month in which he or she attained the age of sixty-five years,

as the case may be, shall be paid to such child or children until such age is attained.

- (2) Subsection 2 of the said section 32 is amended by ^{s. 32 (2),} striking out "retirement" in the third line and inserting ^{amended} in lieu thereof "last day of employment".
- (3) Subsection 3 of the said section 32 is repealed and the ^{s. 32 (3),} following substituted therefor: ^{re-enacted}

On death or
divorce of
spouse of
dependant.
dependant
entitled to
dependant's
allowance

(3) Where a dependant's allowance is discontinued under this section by reason of remarriage and the spouse of such dependant dies or the marriage is dissolved, such dependant is entitled to the dependant's allowance under this section from the first day of the month following the month in which such spouse dies or the dissolution becomes final.

s. 34a (1, 2),
re-enacted

8.—(1) Subsections 1 and 2 of section 34a of the said Act, as enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 9, section 19, are repealed and the following substituted therefor:

Long term
disability
income
plans
1975, c. ...
R.S.O. 1970,
c. 224

(1) Where the Minister, a board, the Ontario Teachers' Federation, an affiliate as defined in *The School Boards and Teachers Collective Negotiations Act, 1975* or any other authority approved by the Commission enters into an agreement with an insurer within the meaning of *The Insurance Act* to provide an income to any person who contributes to the Fund in the event of a long term disability, the agreement shall be submitted to the Commission for approval.

Recipient's
contributions

(2) Where an agreement submitted under subsection 1 is approved by the Commission, the Commission shall accept a contribution made by the insurer on behalf of a person who contributes to the Fund for each month in respect of which the person receives a payment under the agreement where the contribution by the insurer is made on or before the 15th day of the month next following such payment, except where such person has attained the age of sixty-five years or is in receipt of an allowance from the Fund and the contribution shall, subject to subsection 3, be 6 per cent of the annual rate of salary paid to the contributor immediately before the cessation of his employment.

s. 45 (1),
re-enacted

9. Subsection 1 of section 45 of the said Act is repealed and the following substituted therefor:

Evidence
of mental
or physical
condition

(1) The Commission may at any time require a person who is receiving a disability allowance under section 29 or 30 to furnish evidence, in such form as it directs, of his mental or physical condition.

s. 50 (2, 3),
re-enacted

10. Subsections 2 and 3 of section 50 of the said Act are repealed and the following substituted therefor:

Idem

(2) Notwithstanding subsection 1, a person who has taken a refund of his contributions to the Fund under section 49 in lieu of an annual superannuation allowance under section 28 and subsequently is employed for twenty or more days in a school year and desires to be reinstated in the Fund in

respect of his former period of employment may be so reinstated by paying into the Fund an amount equal to the total of the refund, including the interest, if any, paid to him at the time of the refund, together with interest on such amount from the date of the refund until the completion of the repayment at the rate paid on Ontario Government stock or Province of Ontario debentures that are received by the Fund in the fiscal year of the Province of Ontario in which the refund was made except that, where such rate is less than that specified in section 11, the rate shall be that specified in section 11, and any disability or superannuation allowance or other payment out of the Fund to which he may become entitled during the period of repayment shall be reduced actuarially during his lifetime by the amount of the refund that is not repaid.

(3) No person who has withdrawn his contributions from the Fund and is subsequently employed and elects to be reinstated in the Fund under subsection 1 or 2 is eligible for a disability allowance under section 29 or 30 until he has been employed for two school years after his return to employment.

Eligibility
for "C"
or "CB"
pension

11. Section 54 of the said Act is amended by striking out "other than a widower under section 32" in the second line.

s. 54,
amended

12. Section 55 of the said Act is repealed and the following substituted therefor:

s. 55,
re-enacted

55. Where,

- (a) the payments made under section 32;
- (b) the amount of the allowance and any payments made under section 32; or
- (c) the payments made under section 34,

with interest at 3 per cent per year compounded half-yearly to the date of cessation of the payments, are less than the amount of the contributions of the person, with interest on each amount for the period of time it was in the Fund at 3 per cent per year compounded half-yearly to the same date, the amount of the difference shall be paid to his personal representative.

13.—(1) Clauses *b* and *d* of paragraph 15 of section 59 of the said Act are repealed and the following substituted therefor:

s. 59,
par. 15 (b, d),
re-enacted

- (b) because of pregnancy or the adoption of a child;

.

R.S.O. 1970,
c. 118

s. 59,
par. 16 (b, c),
re-enacted

s. 59, par. 23,
amended

Commence-
ment

Short title

(d) because of duties as members of the Legislative Assembly of Ontario, of the House of Commons of Canada, of the council of a municipality or of a local board as defined in *The Municipal Affairs Act*.

(2) Clauses *b* and *c* of paragraph 16 of the said section 59 are repealed and the following substituted therefor:

(b) because of pregnancy or the adoption of a child;

(c) because of duties as members of the Legislative Assembly of Ontario, of the House of Commons of Canada, of the council of a municipality or of a local board as defined in *The Municipal Affairs Act*.

(3) Paragraph 23 of the said section 59 is amended by striking out "during a period that is declared by the regulations to be a period during which there is urgent need for their services" in the third, fourth and fifth lines.

14. This Act comes into force on the day it receives Royal Assent.

15. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1975*.

An Act to amend
The Teachers' Superannuation Act

1st Reading

July 10th, 1975

2nd Reading

July 15th, 1975

3rd Reading

July 15th, 1975

THE HON. T. L. WELLS
Minister of Education

CA20N

XB

-B 56

BILL 140

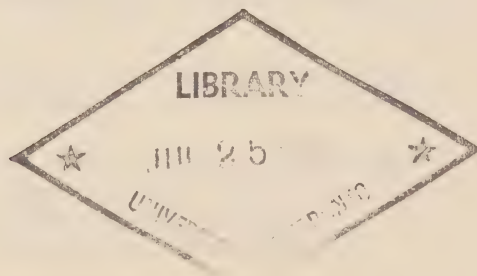
Government
Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to amend
The Development Corporations Act, 1973**

THE HON. C. BENNETT
Minister of Industry and Tourism



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTIONS 1, 2 AND 3. The amendment increases the maximum number of directors on the board of each corporation by one.

SECTION 4. The amendment authorizes the appointment of a chief executive officer for all three corporations.

SECTION 5. The amendments permit the corporations to grant subsidies as well as loans, require the corporations to comply with Government policy direction as to land use and permit loans and subsidies to be made to municipalities for industrial development projects.

BILL 140

1975

An Act to amend The Development Corporations Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Development Corporations Act, 1973*, being chapter 84, as amended by the Statutes of Ontario, 1973, chapter 125, section 1, is further amended by striking out "fifteen" in the amendment of 1973 and inserting in lieu thereof "sixteen". s. 2 (1),
amended
2. Section 3 of the said Act is amended by striking out "thirteen" in the fourth line and inserting in lieu thereof "fourteen". s. 3,
amended
3. Section 4 of the said Act is amended by striking out "thirteen" in the fourth line and inserting in lieu thereof "fourteen". s. 4,
amended
4. Section 8 of the said Act is repealed and the following substituted therefor: s. 8,
re-enacted

8.—(1) The Lieutenant Governor in Council shall appoint a person to be the chief executive officer of the corporations. Chief
executive
officer

(2) Where the chief executive officer is not a director or an officer in the public service of Ontario, he shall be paid such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council. Remuner-
ation
5. Section 12 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 125, section 2, is further amended by adding thereto the following subsections: s. 12,
amended

(6) Each corporation may, for the objects set out in section 11 and subject to the approval of the Lieutenant Governor in Council, grant a subsidy to any person carrying on an Subsidies

industrial undertaking in Ontario, subject to such terms and conditions as the Lieutenant Governor in Council approves.

Policy
directions

(7) In the exercise of its powers respecting the acquisition, financing, use and development of land in connection with industrial undertakings, each corporation shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister expressing the policy of the Government of Ontario.

Municipalities

(8) In this section, "industrial undertaking" includes an undertaking by a city, town, village, township or county or a regional, district or metropolitan municipality to encourage or assist in the development and diversification of industry.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Development Corporations Amendment Act, 1975*.

An Act to amend
The Development Corporations
Act, 1973

1st Reading

July 10th, 1975

2nd Reading

3rd Reading

THE HON. C. BENNETT
Minister of Industry and Tourism

(Government Bill)

CA20N

XB

-B 56

BILL 141

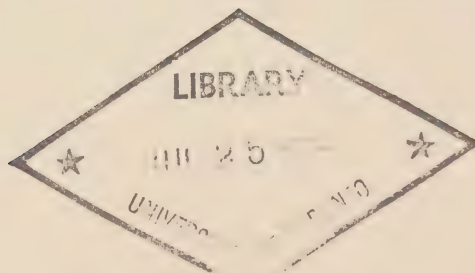
Government
Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Municipal Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill empowers a municipality that is acquiring or developing land for industrial purposes, with the aid of a loan from one of the development corporations under *The Development Corporations Act, 1973*, to give security for the loan by way of mortgage or otherwise.

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 50 of subsection 1 of section 354 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 136, section 15, is further amended by adding thereto the following clause:

(d) Where land is being acquired or developed in accordance with an agreement entered into between a municipality and a corporation, as defined in *The Development Corporations Act, 1973*, and the corporation is lending money to the municipality under the terms of such agreement, the municipality may give security therefor to the corporation by way of mortgage or may furnish such other security as the corporation considers appropriate.

s. 354 (1),
par. 50,
amended

Agreement
with
development
corporation
1973, c. 84
 2. This Act comes into force on the day it receives Royal Assent.
 3. This Act may be cited as *The Municipal Amendment Act, 1975*.
- Commence-
ment

Short title

An Act to amend
The Municipal Act

1st Reading

July 10th, 1975

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Government Bill)

CA20N

XB

-B 56

BILL 142

Government Bill

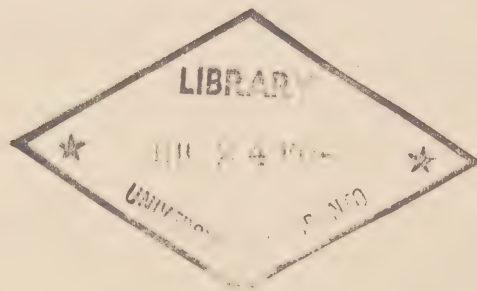
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to amend The Dog Licensing and
Live Stock and Poultry Protection Act**

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The application of Part II of the Act is extended to fur-bearing animals and rabbits.

BILL 142

1975

**An Act to amend
The Dog Licensing and Live Stock
and Poultry Protection Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 11 of *The Dog Licensing and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 94, section 2, is amended by adding thereto the following clause:

(ba) “fur-bearing animal” means an animal designated by name as a fur-bearing animal in *The Fur Farms Act, 1971* or declared to be a fur-bearing animal in the regulations made thereunder.
- (2) Clause *d* of the said section 11 is repealed and the following substituted therefor:

(d) “live stock” means cattle, fur-bearing animals, goats, horses, rabbits, sheep or swine.
2. Subsection 13 of section 14 of the said Act is amended by adding thereto the following clauses:

(aa) a fur-bearing animal in excess of the maximum amount prescribed therefor in the regulations;

.

(da) a rabbit in excess of the maximum amount prescribed therefor in the regulations.
3. Section 22 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 94, section 6, is amended by adding thereto the following clause:

(d) prescribing, for the purposes of subsection 13 of section 14, a maximum amount for,

(i) a fur-bearing animal or any species or class thereof, or

(ii) a rabbit or any class thereof.

Commence-
ment

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. This Act may be cited as *The Dog Licensing and Live Stock and Poultry Protection Amendment Act, 1975*.

An Act to amend
The Dog Licensing and Live Stock
and Poultry Protection Act

1st Reading

July 10th, 1975

2nd Reading

3rd Reading

THE HON. W. A. STEWART
Minister of Agriculture and Food

(*Government Bill*)

CA20N

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-B 56

BILL 142

Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to amend The Dog Licensing and
Live Stock and Poultry Protection Act**

THE HON. W. A. STEWART
Minister of Agriculture and Food



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 142

1975

**An Act to amend
The Dog Licensing and Live Stock
and Poultry Protection Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 11 of *The Dog Licensing and Live Stock and Poultry Protection Act*, being chapter 133 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 94, section 2, is amended by adding thereto the following clause:

(ba) “fur-bearing animal” means an animal designated by name as a fur-bearing animal in *The Fur Farms Act, 1971* or declared to be a fur-bearing animal in the regulations made thereunder.
- (2) Clause *d* of the said section 11 is repealed and the following substituted therefor:

(d) “live stock” means cattle, fur-bearing animals, goats, horses, rabbits, sheep or swine.
2. Subsection 13 of section 14 of the said Act is amended by adding thereto the following clauses:

(aa) a fur-bearing animal in excess of the maximum amount prescribed therefor in the regulations;

.

(da) a rabbit in excess of the maximum amount prescribed therefor in the regulations.
3. Section 22 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 94, section 6, is amended by adding thereto the following clause:

(d) prescribing, for the purposes of subsection 13 of section 14, a maximum amount for,

(i) a fur-bearing animal or any species or class thereof, or

(ii) a rabbit or any class thereof.

Commence-
ment

4. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

5. This Act may be cited as *The Dog Licensing and Live Stock and Poultry Protection Amendment Act, 1975*.

An Act to amend
The Dog Licensing and Live Stock
and Poultry Protection Act

1st Reading

July 10th, 1975

2nd Reading

July 14th, 1975

3rd Reading

July 14th, 1975

THE HON. W. A. STEWART
Minister of Agriculture and Food

CA20N

X3

-B 56

BILL 143

Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Ontario Heritage Act, 1974

THE HON. R. WELCH
Minister of Culture and Recreation



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the amendment is to ensure that section 68 of the Act applies where a building or structure is designated by a by-law under a public or private Act as a building or structure of historic or architectural value.

BILL 143

1975

**An Act to amend
The Ontario Heritage Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 68 of *The Ontario Heritage Act, 1974*, ^{s. 68 (1), re-enacted} being chapter 122, is repealed and the following substituted therefor:

(1) Where, before the date this Act comes into force, a building or structure is designated by by-law under any public or private Act as a building or structure of historic or architectural value or interest, the building or structure shall be deemed to be property designated under Part IV of this Act and the provisions of Part IV shall apply. ^{Designation under public or private Acts}

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}
3. This Act may be cited as *The Ontario Heritage Amendment Act, 1975*. ^{Short title}

An Act to amend
The Ontario Heritage Act, 1974

1st Reading

July 11th, 1975

2nd Reading

3rd Reading

THE HON. R. WELCH
Minister of Culture and
Recreation

(Government Bill)

CA20N

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-B56

11
BILL 143

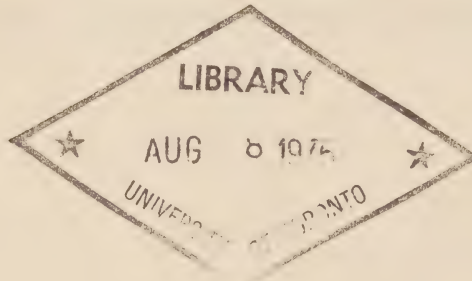
Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

11 *11*
Ontario. Legislative Assembly

An Act to amend The Ontario Heritage Act, 1974

THE HON. R. WELCH
Minister of Culture and Recreation



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 143

1975

**An Act to amend
The Ontario Heritage Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 68 of *The Ontario Heritage Act, 1974*, ^{s. 68 (1),} being chapter 122, is repealed and the following substituted therefor:

(1) Where, before the date this Act comes into force, a building or structure is designated by by-law under any public or private Act as a building or structure of historic or architectural value or interest, the building or structure shall be deemed to be property designated under Part IV of this Act and the provisions of Part IV shall apply.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Ontario Heritage Amendment Act, 1975*.

An Act to amend
The Ontario Heritage Act, 1974

1st Reading

July 11th, 1975

2nd Reading

July 15th, 1975

3rd Reading

July 15th, 1975

THE HON. R. WELCH
Minister of Culture and
Recreation

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-B 56

BILL 144

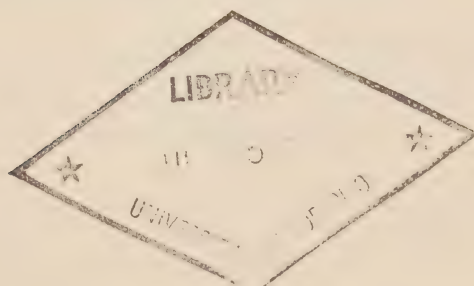
Government
Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Insurance Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The amendments permit the establishment of a Fire Mutuals Guarantee Fund establishing a trust fund to which insurers carrying on business on the premium note plan may subscribe and contribute, and thereafter those insurers cease to issue contracts on the premium note plan and the fund guarantees ability of the insurers to meet their obligations.

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 27 of *The Insurance Act*, being <sup>s. 27 (2),
amended</sup> chapter 224 of the Revised Statutes of Ontario, 1970, is amended by inserting after "plan" in the fifth line "or under the Fire Mutuels Guarantee Fund".
2. Subsection 3 of section 28 of the said Act is amended by <sup>s. 28 (3),
amended</sup> adding at the end thereof "or under the Fire Mutuels Guarantee Fund".
- 3.—(1) Subsection 1 of section 127 of the said Act is amended <sup>s. 127 (1),
amended</sup> by adding at the end thereof "or under the Fire Mutuels Guarantee Fund".
- (2) Section 127 of the said Act is amended by adding thereto <sup>s. 127,
amended</sup> the following subsection:

(1a) Sections 129, 130, 131, 133, 134, 135, 136, 137 and <sup>Application
to Fire
Mutuels
Guarantee
Fund</sup> 138 do not apply in respect of contracts of insurance to which the Fire Mutuels Guarantee Fund is applicable.
- (3) Subsection 2 of the said section 127, as amended by the <sup>s. 127 (2),
amended</sup> Statutes of Ontario, 1971, chapter 84, section 6, is further amended by inserting after "plan" in the second line "or under the Fire Mutuels Guarantee Fund".
4. Subsection 1 of section 132 of the said Act is amended by <sup>s. 132 (1),
amended</sup> inserting after "plan" in the second line "or to which the Fire Mutuels Guarantee Fund is applicable".
5. Subsection 1 of section 139 of the said Act is amended by <sup>s. 139 (1),
amended</sup> inserting after "plan" in the third line "or to which the Fire Mutuels Guarantee Fund is applicable".

s. 140 (1),
amended

6.—(1) Subsection 1 of section 140 of the said Act is amended by inserting after “plan” in the second line “or under a contract to which the Fire Mutuals Guarantee Fund is applicable”.

s. 140 (4),
amended

(2) Subsection 4 of the said section 140, as amended by the Statutes of Ontario, 1973, chapter 124, section 13, is further amended by inserting after “plan” in the first line “or under a contract to which the Fire Mutuals Guarantee Fund is applicable”.

s. 140 (5),
amended

(3) Subsection 5 of the said section 140, as amended by the Statutes of Ontario, 1971, chapter 84, section 8 and 1973, chapter 124, section 13, is further amended by inserting after “plan” in the third line “or under the Fire Mutuals Guarantee Fund”.

s. 143,
enacted

7. The said Act is amended by adding thereto the following section:

Fire Mutuals
Guarantee
Fund
R.S.O. 1970,
c. 254

143.—(1) The Superintendent may approve the terms of an agreement to establish and maintain a fund to be held in trust by a trust company registered under *The Loan and Trust Corporations Act*, such fund to be known as the Fire Mutuals Guarantee Fund.

Parties to
agreement
for Fund

(2) Subject to the approval of the Superintendent, an insurer licensed to transact business on the premium note plan, together with other insurers of the same class and The Farm Mutual Reinsurance Plan, Inc., may enter into the agreement.

Purposes
of Fund

(3) The assets of the Fire Mutuals Guarantee Fund may be used as directed by a board of trustees established under the agreement, with the approval of the Superintendent, for the purpose of satisfying claims by policyholders and third parties that cannot be met by the assets of an insurer who is a party to the agreement.

Assets
of Fund

(4) The assets of the Fund shall,

(a) be maintained at no less than a book value of \$1,000,000 including the value of any assessments made to restore the book value of \$1,000,000, or such further amount as may be specified from time to time by the Superintendent;

(b) be maintained or increased by assessments on parties to the agreement on the basis set out in the agreement referred to in subsection 1;

- (c) be an authorized investment within the meaning of subsection 8 of section 79 and the value to be included by each licensed insurer shall be proportional to its contribution to the trust and shall be subject to examination by the Superintendent in the same manner as the other assets and property of licensed insurers;
- (d) be invested and valued in the same manner and be subject to the same restrictions as the assets of a mutual fire insurance corporation carrying on business on the premium note plan.
- (5) No assessment referred to in clause *b* of subsection 4 shall be paid by an insurer if its effect would be to reduce the surplus of that insurer below the minimum amount specified by the Superintendent, and such a waiver of an assessment shall not be cause for the insurer's expulsion from the Fund. ^{Relief from assessment}
- (6) The Superintendent shall be deemed to have an interest in the Fund as representative of all persons who may be claimants against insurers that are parties to the agreement and the trustees shall from time to time furnish the Superintendent with such information and accounts with respect to the Fund as the Superintendent may require. ^{Interest of Superintendent in Fund}
- (7) The Superintendent may permit the withdrawal from the trust agreement of an insurer upon terms and conditions or, where an insurer is in default of payment of its assessment under the agreement, the Superintendent may withdraw his approval given under subsection 2. ^{Withdrawal from agreement}
- (8) An insurer that becomes a party to the agreement referred to in subsection 1 shall, except with the approval of the Superintendent, cease to undertake contracts of insurance or renew existing contracts of insurance on the premium note plan. ^{Ceasing to issue contracts on premium note plan}
- (9) All parties to the agreement and their officers and directors, shall be deemed to be persons engaged in the business of insurance for the purposes of this Act and the regulations and any contravention of the trust agreement constitutes an offence. ^{Application of Act}
- (10) An account filed with the Superintendent under subsection 6, except so far as mistake or fraud is shown, is binding and conclusive upon all interested persons as to all matters shown in the account and the trustees' administration thereof, unless the Superintendent, within six months ^{Passing of accounts}

of the date upon which the account is filed with him, requires in writing that such account be filed and passed before a judge of the surrogate court of the county or district in which the account is being administered.

Application
of R.S.O.
1970,
cc. 451, 470

(11) The provisions of *The Surrogate Courts Act* and the rules made thereunder and of *The Trustee Act* with respect to the passing of accounts of the trustees apply, *mutatis mutandis*, to the passing of accounts under subsection 10.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Insurance Amendment Act, 1975*.

An Act to amend
The Insurance Act

1st Reading

July 11th, 1975

2nd Reading

3rd Reading

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

(Government Bill)

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BILL 144

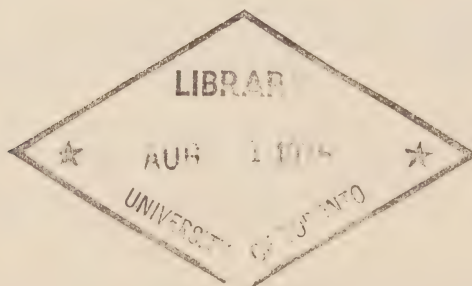
Government
Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Insurance Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 144

1975

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 27 of *The Insurance Act*, being <sup>s. 27 (2),
amended</sup> chapter 224 of the Revised Statutes of Ontario, 1970, is amended by inserting after "plan" in the fifth line "or under the Fire Mutuals Guarantee Fund".
2. Subsection 3 of section 28 of the said Act is amended by <sup>s. 28 (3),
amended</sup> adding at the end thereof "or under the Fire Mutuals Guarantee Fund".
- 3.—(1) Subsection 1 of section 127 of the said Act is amended <sup>s. 127 (1),
amended</sup> by adding at the end thereof "or under the Fire Mutuals Guarantee Fund".
- (2) Section 127 of the said Act is amended by adding thereto <sup>s. 127,
amended</sup> the following subsection:

(1a) Sections 129, 130, 131, 133, 134, 135, 136, 137 and <sup>Application
to Fire
Mutuals
Guarantee
Fund</sup> 138 do not apply in respect of contracts of insurance to which the Fire Mutuals Guarantee Fund is applicable.
- (3) Subsection 2 of the said section 127, as amended by the <sup>s. 127 (2),
amended</sup> Statutes of Ontario, 1971, chapter 84, section 6, is further amended by inserting after "plan" in the second line "or under the Fire Mutuals Guarantee Fund".
4. Subsection 1 of section 132 of the said Act is amended by <sup>s. 132 (1),
amended</sup> inserting after "plan" in the second line "or to which the Fire Mutuals Guarantee Fund is applicable".
5. Subsection 1 of section 139 of the said Act is amended by <sup>s. 139 (1),
amended</sup> inserting after "plan" in the third line "or to which the Fire Mutuals Guarantee Fund is applicable".

s. 140 (1),
amended

6.—(1) Subsection 1 of section 140 of the said Act is amended by inserting after “plan” in the second line “or under a contract to which the Fire Mutuals Guarantee Fund is applicable”.

s. 140 (4),
amended

(2) Subsection 4 of the said section 140, as amended by the Statutes of Ontario, 1973, chapter 124, section 13, is further amended by inserting after “plan” in the first line “or under a contract to which the Fire Mutuals Guarantee Fund is applicable”.

s. 140 (5),
amended

(3) Subsection 5 of the said section 140, as amended by the Statutes of Ontario, 1971, chapter 84, section 8 and 1973, chapter 124, section 13, is further amended by inserting after “plan” in the third line “or under the Fire Mutuals Guarantee Fund”.

s. 143,
enacted

7. The said Act is amended by adding thereto the following section:

Fire Mutuals
Guarantee
Fund
R.S.O. 1970,
c. 254

143.—(1) The Superintendent may approve the terms of an agreement to establish and maintain a fund to be held in trust by a trust company registered under *The Loan and Trust Corporations Act*, such fund to be known as the Fire Mutuals Guarantee Fund.

Parties to
agreement
for Fund

(2) Subject to the approval of the Superintendent, an insurer licensed to transact business on the premium note plan, together with other insurers of the same class and The Farm Mutual Reinsurance Plan, Inc., may enter into the agreement.

Purposes
of Fund

(3) The assets of the Fire Mutuals Guarantee Fund may be used as directed by a board of trustees established under the agreement, with the approval of the Superintendent, for the purpose of satisfying claims by policyholders and third parties that cannot be met by the assets of an insurer who is a party to the agreement.

Assets
of Fund

(4) The assets of the Fund shall,

- (a) be maintained at no less than a book value of \$1,000,000 including the value of any assessments made to restore the book value of \$1,000,000, or such further amount as may be specified from time to time by the Superintendent;
- (b) be maintained or increased by assessments on parties to the agreement on the basis set out in the agreement referred to in subsection 1;

(c) be an authorized investment within the meaning of subsection 8 of section 79 and the value to be included by each licensed insurer shall be proportional to its contribution to the trust and shall be subject to examination by the Superintendent in the same manner as the other assets and property of licensed insurers;

(d) be invested and valued in the same manner and be subject to the same restrictions as the assets of a mutual fire insurance corporation carrying on business on the premium note plan.

(5) No assessment referred to in clause *b* of subsection 4 shall be paid by an insurer if its effect would be to reduce the surplus of that insurer below the minimum amount specified by the Superintendent, and such a waiver of an assessment shall not be cause for the insurer's expulsion from the Fund. ^{Relief from assessment}

(6) The Superintendent shall be deemed to have an interest in the Fund as representative of all persons who may be claimants against insurers that are parties to the agreement and the trustees shall from time to time furnish the Superintendent with such information and accounts with respect to the Fund as the Superintendent may require. ^{Interest of Superintendent in Fund}

(7) The Superintendent may permit the withdrawal from the trust agreement of an insurer upon terms and conditions or, where an insurer is in default of payment of its assessment under the agreement, the Superintendent may withdraw his approval given under subsection 2. ^{Withdrawal from agreement}

(8) An insurer that becomes a party to the agreement referred to in subsection 1 shall, except with the approval of the Superintendent, cease to undertake contracts of insurance or renew existing contracts of insurance on the premium note plan. ^{Ceasing to issue contracts on premium note plan}

(9) All parties to the agreement and their officers and directors, shall be deemed to be persons engaged in the business of insurance for the purposes of this Act and the regulations and any contravention of the trust agreement constitutes an offence. ^{Application of Act}

(10) An account filed with the Superintendent under subsection 6, except so far as mistake or fraud is shown, is binding and conclusive upon all interested persons as to all matters shown in the account and the trustees' administration thereof, unless the Superintendent, within six months ^{Passing of accounts}

of the date upon which the account is filed with him, requires in writing that such account be filed and passed before a judge of the surrogate court of the county or district in which the account is being administered.

Application
of R.S.O.
1970,
cc. 451, 470

(11) The provisions of *The Surrogate Courts Act* and the rules made thereunder and of *The Trustee Act* with respect to the passing of accounts of the trustees apply, *mutatis mutandis*, to the passing of accounts under subsection 10.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Insurance Amendment Act, 1975*.

An Act to amend
The Insurance Act

1st Reading

July 11th, 1975

2nd Reading

July 14th, 1975

3rd Reading

July 14th, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

A20N
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B 56

Government
Publications

BILL 145
//

Private Member's Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly
//

**An Act to Prohibit the
Use of Non-Returnable Bottles and Cans**

MR. GAUNT



EXPLANATORY NOTE

Self-explanatory.

BILL 145

1975

An Act to Prohibit the Use of Non-Returnable Bottles and Cans

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** In this Act, “non-returnable bottle or can” means a ^{Interpre-} container used or designed for use as a container of a fluid ^{tation} beverage that is sold on the condition that it is not redeemable for money or money’s worth on its return when emptied of its contents.
- 2.** No person shall manufacture, import into Ontario, ^{Use of non-} sell or offer for sale any fluid beverage that is contained in a ^{returnable} non-returnable bottle or can. ^{bottles} ^{and cans} ^{prohibited}
- 3.** Every person who contravenes section 2 is guilty of ^{Offence} an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$500.
- 4.** This Act comes into force on a day to be named by ^{Commence-} proclamation of the Lieutenant Governor. ^{ment}
- 5.** This Act may be cited as *The Non-Returnable Bottles* ^{Short title} *and Cans Act, 1975.*

An Act to Prohibit the
Use of Non-Returnable Bottles
and Cans

1st Reading

July 14th, 1975

2nd Reading

3rd Reading

MR. GAUNT

(Private Member's Bill)

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BILL 146
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Government
Publications
Government Bill

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly
/ //

**An Act to amend
The Legislative Assembly Retirement
Allowances Act, 1973**

THE HON. J. W. SNOW
Minister of Government Services



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTIONS 1 TO 5. These amendments transfer the responsibility for the administration of the Act from the Minister of Government Services to the Speaker.

SECTION 6. The amendment authorizes the Speaker with the approval of the Board of Internal Economy to provide for payment from time to time of supplementary benefits to persons receiving allowances under the Act.

**An Act to amend
The Legislative Assembly Retirement
Allowances Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Legislative Assembly Retirement Allowances Act, 1973*, being chapter 152, is repealed and the following substituted therefor: s. 1 (c),
re-enacted

(c) "Speaker" means the Speaker of the Assembly.

2. Section 2 of the said Act is amended by striking out "Minister" and inserting in lieu thereof "Speaker". s. 2,
amended

3. Subsection 3 of section 12 of the said Act is amended by striking out "Minister" in the second line and inserting in lieu thereof "Speaker". s. 12 (3),
amended

4. Subsection 1 of section 16 of the said Act is amended by striking out "Minister" in the third line and inserting in lieu thereof "Speaker". s. 16 (1),
amended

5. Subsection 3 of section 21 of the said Act is amended by striking out "Minister" in the second line and inserting in lieu thereof "Speaker". s. 21 (3),
amended

6. The said Act is amended by adding thereto the following section: s. 25a,
enacted

25a. The Speaker, for the purpose of augmenting from time to time allowances being paid under this Act may, by order, with the approval of the Board of Internal Economy, provide for the payment of supplementary benefits to persons receiving allowances under this Act and prescribe the amounts of such benefits, the times at which they shall be paid and the classes of persons entitled thereto. Augmenta-
tion of
allowances

s. 27 (2),
amended

7. Subsection 2 of section 27 of the said Act is amended by inserting after "allowances" in the fifth line "and supplementary benefits".

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Legislative Assembly Retirement Allowances Amendment Act, 1975*.

SECTION 7. This amendment is complementary to the new section 25*a* of the Act as set out in section 6 of this Bill.

An Act to amend
The Legislative Assembly
Retirement Allowances Act, 1973

1st Reading

July 15th, 1975

2nd Reading

3rd Reading

THE HON. J. W. SNOW
Minister of Government Services

(Government Bill)

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-B 56

BILL 146

Government

Publications

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

**An Act to amend
The Legislative Assembly Retirement
Allowances Act, 1973**

THE HON. J. W. SNOW
Minister of Government Services



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 146

1975

**An Act to amend
The Legislative Assembly Retirement
Allowances Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Legislative Assembly Retirement Allowances Act, 1973*, being chapter 152, is repealed and the following substituted therefor: s. 1 (c),
re-enacted

(c) "Speaker" means the Speaker of the Assembly.

2. Section 2 of the said Act is amended by striking out "Minister" and inserting in lieu thereof "Speaker". s. 2,
amended

3. Subsection 3 of section 12 of the said Act is amended by striking out "Minister" in the second line and inserting in lieu thereof "Speaker". s. 12 (3),
amended

4. Subsection 1 of section 16 of the said Act is amended by striking out "Minister" in the third line and inserting in lieu thereof "Speaker". s. 16 (1),
amended

5. Subsection 3 of section 21 of the said Act is amended by striking out "Minister" in the second line and inserting in lieu thereof "Speaker". s. 21 (3),
amended

6. The said Act is amended by adding thereto the following section: s. 25a,
enacted

25a. The Speaker, for the purpose of augmenting from time to time allowances being paid under this Act may, by order, with the approval of the Board of Internal Economy, provide for the payment of supplementary benefits to persons receiving allowances under this Act and prescribe the amounts of such benefits, the times at which they shall be paid and the classes of persons entitled thereto. Augmen-
tation of
allowances

s. 27 (2),
amended

7. Subsection 2 of section 27 of the said Act is amended by inserting after "allowances" in the fifth line "and supplementary benefits".

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Legislative Assembly Retirement Allowances Amendment Act, 1975*.

An Act to amend
The Legislative Assembly
Retirement Allowances Act, 1973

1st Reading

July 15th, 1975

2nd Reading

July 17th, 1975

3rd Reading

July 17th, 1975

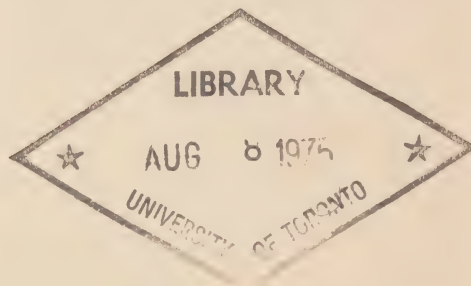
THE HON. J. W. SNOW
Minister of Government Services

5TH SESSION, 29TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

Ontario. Legislative Assembly

An Act to amend The Public Hospitals Act

MR. ROY



TORONTO

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EXPLANATORY NOTE

These amendments to section 50 of the Act restrict the right of appeal from the Hospital Appeal Board to the Supreme Court to questions of law. Previously the right of appeal extended to questions of fact or law or both.

BILL 147

1975

An Act to amend The Public Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 50 of *The Public Hospitals Act*, ^{s. 50 (1),} _{amended} being chapter 378 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 90, section 23, is amended by inserting after “decision” in the second line “on questions of law”.
- (2) Subsection 3 of the said section 50 is amended by ^{s. 50 (3),} _{amended} striking out “An appeal under this section may be made on questions of law or fact or both and” in the first and second lines and inserting in lieu thereof “On an appeal under this section”.
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-} _{ment}
3. This Act may be cited as *The Public Hospitals Amendment Act, 1975*. ^{Short title}

An Act to amend
The Public Hospitals Act

1st Reading

July 17th, 1975

2nd Reading

3rd Reading

MR. ROY

(Private Member's Bill)

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